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THE

PUBLIC GENERAL ACTS

PASSED IN THE FIFTEENTH AND SIXTEENTH YEARS

OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH;

BEING THE

FIRST SESSION OF THE THIRTY-FOURTH PARLIAMENT

OF THE

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND

WITH A

TABLE OF THE TITLES, THE EFFECT OF LEGISLATION AND AN INDEX.

(IN TWO VOLUMES)

110315

VOLUME II.

PUBLIC GENERAL ACTS, CHAPTERS 31—91,
TABLE OF THE EFFECT OF LEGISLATION, AND
INDEX.

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CHAPTER 31.

An Act to provide for the further protection of birds. [28th May 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Illegal method of taking birds.

1.—(1) If any person shall use as a decoy any live bird which is tethered or is secured by means of braces or other similar appliances or which is blind, maimed, or injured, or shall use bird-lime or any substance of a like nature for the purpose of taking or capturing alive or attempting to take or capture alive any wild bird, he shall be guilty of an offence against this Act.

(2) When any person is convicted of any offence under this section, the court may, in addition to any penalty that may be imposed, order any live decoy bird used by such person for the purpose of taking or attempting to take any wild bird to be forfeited and disposed of as the court may direct.

Illegal confinement of birds.

2.—(1) If any person shall keep or confine a bird in any cage or other receptacle which shall not measure sufficient in height, length and breadth to permit the said bird freely to stretch its wings, he shall be guilty of an offence against this Act.

(2) This section shall not apply to poultry within the meaning of the Poultry Act, 1911, or to any bird kept or confined in a cage or other receptacle which does not comply with the conditions mentioned in the last preceding subsection— 1 & 2 Geo. 5. c. 11.

(*a*) Whilst being conveyed by land or water; or

(*b*) Whilst being shown for the purpose of public exhibition or competition if the time during which it is so kept or confined does not in the whole exceed seventy-two hours.

Penalties.

3. If any person shall be guilty of an offence against this Act, he shall be liable upon summary conviction

to a fine not exceeding twenty-five pounds, or alternatively, or in addition thereto, to be imprisoned with or without hard labour for any term not exceeding three months.

Short title and extent.

4.—(1) This Act may be cited as the Protection of Birds Act, 1925.

(2) This Act shall not apply to Northern Ireland.

(3) The provisions of this Act shall be in addition to and not in derogation of the provisions of any other enactment imposing penalties for offences of cruelty to birds.

CHAPTER 32.

An Act to prolong the duration of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, as amended by any subsequent enactment, and to postpone the date of expiry of Part II. of the Rent and Mortgage Interest Restrictions Act, 1923, and for purposes consequential thereon. [28th May 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Prolongation of 10 & 11 Geo. 5. c. 17. and Part II. of 13 & 14 Geo. 5. c. 32.

1.—(1) The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, as amended by any subsequent enactment, shall continue in force until the twenty-fifth day of December, nineteen hundred and twenty-seven, and in Scotland until the twenty-eighth day of May, nineteen hundred and twenty-eight.

(2) Part II. of the Rent and Mortgage Interest Restrictions Act, 1923, shall continue in force until five years after the expiration of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, so amended as aforesaid.

(3) Accordingly the Rent and Mortgage Interest Restrictions Act, 1923, shall have effect as if—

(*a*) in section one thereof for the reference to the twenty-fourth day of June, nineteen hundred and twenty-five, there were substituted a reference to the twenty-fifth day of December, nineteen hundred and twenty-seven;

(*b*) in section two thereof for the words "after the twenty-fourth day of June, nineteen hundred and twenty-six" there were substituted the words "not earlier than one year after the date "fixed at the time at which the lease is granted "for the expiration of the principal Act";

(*c*) in section seventeen thereof for the reference to the twenty-fourth day of June, nineteen hundred and thirty, there were substituted a reference to five years after the expiration of the principal Act;

(*d*) in section twelve thereof for the references to the twenty-fourth day of June, nineteen hundred and twenty-five, there were substituted references to the day at the end of which the principal Act expires;

(*e*) in section nineteen thereof at the beginning of paragraph (*a*) there were inserted the words "the twenty-eighth day of May, nineteen "hundred and twenty-eight, shall be substituted "for the twenty-fifth day of December, nineteen "hundred and twenty-seven."

Short title.

2. This Act may be cited as the Rent and Mortgage Interest (Restrictions Continuation) Act, 1925; and the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1924, and this Act may be cited together as the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925.

CHAPTER 33.

An Act to amend the law relating to Teinds and to the Stipends of Ministers of the Church of Scotland, and the tenure of the Property and Endowments of that Church, and for purposes connected therewith. [28th May 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

STIPEND AND TEIND.

Stipend to be payable only in money.

1. Subject to the provisions of this Act, every stipend which in any way or to any extent depends upon fluctuations in the price of victual (hereinafter in this Act referred to as "victual stipend") shall cease so to depend, and shall be payable only in money at the standard value thereof as hereinafter defined.

The substitution of the standard value of a victual stipend for the value thereof according to the present law and practice is hereinafter in this Act referred to as the "standardisation" of the stipend and the expressions "standardised" and "date of standardisation" have corresponding meanings.

Standard value of victual stipend.

2.—(1) The value in money of victual stipend shall for each county in Scotland be determined by adding to the former county average value of the different kinds of victual in which such stipends are localled an increase of five per centum of that average value, and for the purposes of this section the former county average value of any kind of victual shall be deemed to be the average value of that kind of victual for that county for the fifty years 1873 to 1922, as ascertained—

(*a*) In the case of the kinds of victual mentioned in the First Schedule to this Act, by reference to the

values set out therein, or where for any county the value of any such kind of victual is not so set out, then by reference to the value of such other kind of victual for that county or to the value of the same kind of victual for such other county or counties as the Court of Session may select, and by Act of Sederunt prescribe, as being most suitable in the circumstances of the case; and

(*b*) In the case of any kind of victual not mentioned in the First Schedule to this Act, in accordance with the provisions set out in the Second Schedule to this Act.

(2) In the application of the foregoing provisions of this section to a particular parish, regard shall be had to any special method of calculation of stipend customary in that parish (including calculation of a stipend localled in Bear by reference to the fiars price for first or second Barley) and the sheriff may give such instructions to the Clerk of Teinds as he may deem to be necessary or proper for this purpose upon application made to him by any minister or presbytery or heritor concerned at any time before the expiry of six months after the date of standardisation. If no such application is then made in respect of any parish, this subsection shall not have effect with respect to that parish. Intimation of any such application shall be made to such persons as the sheriff may appoint. The decision of the sheriff shall be final unless an appeal therefrom shall be taken to the Lord Ordinary by the applicant or by any person appearing in the application in manner provided by the Ecclesiastical Buildings and Glebes (Scotland) Act, 1868, with respect to appeals from the sheriff to the Lord Ordinary under that Act, and the provisions of that Act relating to such appeals shall, with the necessary modifications, apply to appeals under this subsection, and the clerk to the process in appeals under this subsection shall be the Clerk of Teinds. 31 & 32 Vict. c. 96.

(3) The value in money of any victual stipend, as the same may be determined under subsection (1) of this section subject to any variation under subsection (2) thereof along with the value of any money stipend is in this Act referred to as the " standard value " of that stipend.

Date of standardisation of stipend.

3. The date of standardisation of a stipend shall be the term of Martinmas which shall first occur not less than six months after the date when the benefice becomes actually vacant or is deemed to have become vacant by election or by notification as hereinafter provided. In the case of a benefice which is actually vacant at the passing of this Act the date of standardisation shall be the term of Martinmas, nineteen hundred and twenty-five.

The words "becomes actually vacant" shall not include the occasion where a minister is succeeded by an assistant and successor appointed to him before the passing of this Act, but shall include the occasion where a minister is succeeded by an assistant and successor appointed to him after such passing.

Standardisation by election.

4. Any minister who at the passing of this Act is entitled to a victual stipend may elect that the stipend shall be standardised, and if he so elects he shall intimate his election in writing in the form set forth in the Third Schedule to this Act or in a similar form to the heritors to the clerk of the presbytery and to the General Trustees, and in such case the benefice shall for the purposes of this Act be deemed to have become vacant by election at the date of the said intimation.

Where at the passing of this Act an assistant and successor has been appointed to a minister entitled to a victual stipend, either the minister or the assistant and successor with the consent of the assistant and successor or of the minister (as the case may be), or failing such consent with the authority of the presbytery may elect and intimate his election as aforesaid.

Standardisation by notification.

5.—(1) It shall be lawful for the General Trustees to intimate in writing to the minister of any parish who is entitled to victual stipend and to the clerk of the presbytery and to the heritors that the victual stipend is to be standardised and in such case the benefice shall for the purposes of this Act, but subject as hereinafter in this section provided, be deemed to have become vacant by notification at the date of the said intimation: Provided that the General Trustees before making such intimation shall have given to the minister an undertaking that (notwithstanding such standardisation) the amount of

his stipend according to the present law and practice will continue to be paid to him by the General Trustees until he ceases to be minister of the parish and that the right (if any) of his widow or other representatives to Ann will, in the event of his death, be satisfied, and the obligations contained in any such undertaking shall be duly fulfilled by the General Trustees, who shall be indemnified by the General Assembly to such extent (if any) as may be necessary having regard to the amount of money at the disposal of the Trustees for that purpose: Provided always that if at any time during the currency of such an undertaking the minister intimates to the General Trustees in terms of the section of this Act relating to standardisation by election, his election that his stipend should be standardised, such intimation shall have effect as in that section provided and the undertaking shall cease to operate.

(2) In the application of the foregoing subsection to a benefice where an assistant and successor has been appointed to the minister before the passing of this Act, the word "minister" shall include and refer to that assistant and successor as well as the minister: Provided that the undertaking to be given by the General Trustees to the assistant and successor shall include his interest in the stipend so long as he remains assistant and successor as well as after he succeeds the minister should that event occur, but shall not include any right with respect to Ann.

Collegiate charges.

6. With respect to a parish where separate benefices exist and both the ministers are entitled to victual stipend, except where in such parish there are no surplus teinds, the foregoing provisions of this Act shall have effect subject to the following modification, namely, that neither of the benefices shall be deemed to be or to become actually vacant or to have become vacant by election or notification, unless the other benefice was actually vacant at the passing of this Act, or shall thereafter have become actually vacant or been deemed to have become vacant by election or notification.

Vesting of standardised stipend.

7. Any stipend which has been standardised under the provisions of this Act shall as on and from the date of standardisation vest de die in diem in the minister

entitled thereto without prejudice to the payment of any stipend vested in him or in any former incumbent of the benefice according to the present law and practice, and subject to the satisfaction of any claim for Ann on the part of the widow or other representatives of a deceased incumbent: Provided that in the case of a benefice which is deemed to have become vacant by notification the foregoing provision shall not have effect unless and until the benefice becomes actually vacant or is deemed to have become vacant by election.

Payment of standardised stipend.

8.—(1) As from the date of standardisation any stipend which has been standardised under the provisions of this Act shall be payable by the heritors to the General Trustees half-yearly at the terms of Whitsunday and Martinmas each half-yearly payment being in respect of the half-year preceding the date of payment subject to the following exceptions, namely—

(*a*) that the first half of the standardised stipend for the year beginning on the date of standardisation shall not become payable until the term of Lammas in that year; and

(*b*) that the second half of the standardised stipend for that year shall not become payable till the term of Candlemas in the following year.

(2) Where as hereinafter in this Act provided the standard value of the stipend as shown by the teind roll is constituted a real burden or has been redeemed or extinguished as the case may be, the provisions of this section shall cease to have effect, and with respect to payments under this section due or payable before that event, the General Trustees shall have all the powers of recovery which according to the present law and practice a minister has with respect to his stipend.

Provisions as to Ann.

9.—(1) Neither the widow nor any other representative of any minister admitted after the passing of this Act to any benefice in the Church of Scotland shall be entitled to Ann.

(2) The foregoing provision shall, so far as respects any right in name of Ann to any stipend standardised under the provisions of this Act, apply to the widow and

other representatives of any minister admitted before the passing of this Act where the benefice is deemed to have become vacant by election and the minister survives the date of standardisation by one year or more.

(3) Save as in this Act expressly provided, nothing contained therein shall affect or be construed to affect the right which the widow or other representatives of a deceased minister has or have by the present law and practice to one half year's stipend in name of Ann.

Augmentation of stipend.

10.—(1) On the passing of this Act the present law relating to augmentation of stipend shall cease to have effect without prejudice to any application for augmentation competently made before such passing or to anything following on such application or done therein.

(2) The minister or the General Trustees as the case may be to whom a stipend or a standardised stipend is payable may—

(*a*) if not less than twenty years shall have elapsed since the date of the last application for augmentation of the stipend; or

(*b*) upon the expiry of twenty years from the date of the last application for augmentation of the stipend or upon the expiry of ten years from the passing of this Act, whichever of these two events shall first occur;

apply to the Lord Ordinary to find whether there are surplus teinds available for an augmentation. No such application may be made after the expiry of eleven years from the passing of this Act.

(3) If the Lord Ordinary (whose decision shall be final and not subject to review) finds that there are surplus teinds so available, the minister or the General Trustees, as the case may be, shall be entitled to receive as from the first term of Martinmas following the date of the application an augmentation according to the following scale:—

(*a*) Where the stipend as last modified by the Court of Teinds does not exceed twenty-five chalders, an augmentation of six chalders; and

(*b*) Where the stipend as so modified exceeds twenty-five chalders but is less than thirty chalders, an augmentation of five chalders; and

(*c*) Where the stipend as so modified is thirty chalders or upwards, an augmentation of four chalders.

The foregoing augmentation of six, five or four chalders, as the case may be, shall be converted and localled in sterling money according to the standard value, the order of allocation being in accordance with the present practice.

If the amount of the available surplus teinds as ultimately ascertained in the localling of the augmentation among the heritors is insufficient to meet the foregoing augmentations, the augmentation shall be limited to the amount so ascertained.

(4) As from the date when a minister or the General Trustees, as the case may be, becomes or become entitled to an augmentation under this section, the amount of the augmentation shall be added to the stipend and shall be payable and recoverable in like manner.

(5) The provisions set out in the Fourth Schedule to this Act shall have effect with respect to augmentations under this section and any decree of locality following thereon.

(6) An augmentation under this section shall come in place of all future rights of augmentation and shall be final.

(7) In the event of the Lord Ordinary finding that there are no surplus teinds available for an augmentation, neither the minister nor the General Trustees shall be entitled to make any further application.

(8) In the application of this section to a parish where separate benefices exist and both ministers are entitled to victual stipend—

(*a*) the expression "the date of the last application "for augmentation of the stipend" shall, in cases where applications for augmentation were last made at different dates, mean the later of those dates; and

(*b*) the expression "the stipend as last modified by the Court of Teinds" shall mean the stipend of each or either of the two benefices taken separately.

Teind rolls.

11.—(1) There shall be prepared by the Clerk of Teinds for every parish in Scotland a teind roll specifying in sterling money—

(*a*) The total teind of that parish; and

(*b*) The amount of that total applicable to the lands of each heritor; and

(*c*) The value of the whole stipend payable to the minister, so far as payable out of teinds including vicarage teinds payable as stipend and surrendered teinds so payable; and

(*d*) The proportion of that value payable by each heritor in the parish.

(2) The said teind rolls shall be prepared and issued as soon as may be practicable, and the provisions of the Fifth Schedule to this Act shall have effect with respect to the preparation, issue, and adjustment of the teind rolls.

(3) The Court of Session shall make by Act of Sederunt, with the approval of the Treasury, such rules and regulations as may in the judgment of the Court from time to time be necessary to regulate the amount of the fees to be paid to the Clerk of Teinds in connection with the preparation, issue, and adjustment of the teind rolls and the time and place of the payment of the said fees. The expenses of the preparation, issue and adjustment of the teind roll, including where a state of teinds is necessary the expense of the preparation thereof, shall be apportioned among the heritors (including any heritors whose teinds have been valued and surrendered before the date of standardisation) in proportion to the amount of the total teind applicable to the lands of each heritor. The share of such expenses apportioned to any heritor, other than a heritor whose teinds have been valued and surrendered as aforesaid shall be payable by such heritor, and the share of such expenses apportioned to any heritor whose teinds have been valued and surrendered as aforesaid shall be payable by the General Trustees.

Charge to be substituted for liability for stipend exceeding one pound.

12. Where the standard value (as shown by the teind roll of a parish) of the stipend exigible from the teinds of any lands of a heritor in that parish which are comprised in one entry in the teind roll exceeds the sum of one pound—

(1) the amount of such standard value shall by virtue of this Act be constituted as at and from the first term of Whitsunday or Martinmas which shall occur after the date when the teind roll becomes final a real burden (in this Act referred to as the "standard charge") on the lands from the teinds of which the said stipend is exigible in favour of the General Trustees preferable to all other securities or burdens not incidents of tenure;

(2) the amount of the standard charge shall be payable by equal half-yearly instalments at the terms of Whitsunday and Martinmas each half-yearly instalment being in respect of the half year preceding the date of payment and the said instalments shall be recoverable by the same means and in the like manner as any feu-duty out of the said lands would be recoverable;

(3) the standard charge over any lands may at any time after the completion of the teind roll be redeemed by and in the option of the heritor of those lands or other person liable in respect of the standard charge either (*a*) for such consideration or in such manner as may be agreed upon between the person liable and the General Trustees, or (*b*) at any term of Whitsunday or Martinmas after three months' notice either (i) by payment to the Trustees of such a sum as would if invested at the time of payment in Consolidated $2\frac{1}{2}$ per cent. annuities produce an annual sum equal to the standard charge, or (ii) by transfer to the General Trustees of such an amount of Consolidated $2\frac{1}{2}$ per cent. annuities as would produce an annual sum equal to the standard charge;

(4) upon the redemption of the standard charge as aforesaid any claim upon the heritor or other person in respect of such standard charge shall

cease and be extinguished and the lands from which the same was exigible shall be disburdened thereof in all time coming and an entry to that effect shall be made in the teind roll which shall be sufficient evidence of the discharge of the burden.

Allocation of standard charge.

13. A standard charge shall from its constitution continue a real burden on the whole of the lands subject thereto, and on every part of those lands notwithstanding any disposition of the lands or any part thereof unless and until intimation of an allocation of the standard charge has been made in writing by the General Trustees and the disponer or his representatives to the Clerk of Teinds, who upon receiving such an intimation shall forthwith make the necessary entry in the teind roll.

If as the result of any such allocation the portion of a standard charge so allocated upon the lands disponed or remaining a real burden on the lands retained by the disponer does not exceed one pound, the disponer or his representatives shall within three months after the date of the entry in the roll redeem the same by payment to the General Trustees of a sum equal to the amount so allocated or remaining a burden multiplied by twenty; and if the portion of the standard charge so allocated or remaining a burden exceeds one pound but is less than fifteen pounds, that portion of the standard charge shall as from the date of the entry in the teind roll be increased by five per centum.

Provisions where stipend does not exceed one pound.

14. Subject to the provisions of the next succeeding section of this Act, where the standard value (as shown by the teind roll of a parish) of the stipend exigible from the teinds of any lands of a heritor in that parish which are comprised in one entry in the teind roll does not exceed the sum of one pound:—

(1) the heritor or other person liable in payment of the said stipend shall redeem the same either

(*a*) at the first term of Whitsunday or Martinmas which shall occur not less than three months after the date on which the teind roll of the parish becomes final for such consideration or in such manner as may be agreed upon between the person so liable and the General Trustees; or

(*b*) by payment to the General Trustees at the said term of Whitsunday or Martinmas of a sum equal to the standard value of the said stipend multiplied by eighteen; or

(*c*) by payment to the General Trustees, along with each half-yearly payment of the said stipend during a period of eighteen years commencing at the said term of Whitsunday or Martinmas, of a redemption instalment equal to seventy-five per centum of the half-yearly payment of the stipend, which redemption instalment shall be recoverable by the General Trustees in the same manner as the half-yearly payment of the stipend:

(2) Upon the redemption of a stipend as aforesaid any claim upon the heritor or other person in respect of such stipend shall cease and be extinguished and an entry to that effect made in the teind roll shall be sufficient evidence of the redemption.

Extinction of liability for stipend not exceeding one shilling.

15. Where the standard value (as shown by the teind roll of a parish) of the stipend exigible from the teinds of all the lands of a heritor in that parish, whether those lands are comprised in one or in more than one entry in the teind roll does not exceed the sum of one shilling, any claim for or in respect of the stipend upon the heritor or other person liable in payment thereof (other than a claim for payments already due) shall, notwithstanding any law or practice to the contrary, cease and be extinguished as at the first term of Whitsunday or Martinmas which shall occur not less than three months after the date on which the teind roll of the parish becomes final.

Valuation and surrender of teinds.

16.—(1) After the passing of this Act, the provisions set out in the Sixth Schedule to this Act which relate to the obtaining of valuations of teinds and the surrender of valued teinds shall have effect for those purposes and the present law and practice relating thereto shall cease to apply but without prejudice to any proceedings taken before the passing of this Act or to any proceedings which may be taken within three years after the passing of this Act for the approbation of reports of sub-commissioners relating to the valuation of teinds.

(2) Where the annual agricultural value of any lands has been ascertained in accordance with the provisions

set out in the said schedule one-fifth part of that value shall be the valued teind of those lands in all time coming.

(3) Where no application for the ascertainment of the annual agricultural value of any lands, the teinds of which have not been valued, is made in accordance with the said provisions and within the period thereby prescribed, the value of such teinds specified in the teind roll for the parish in which the lands are situate shall be deemed to be accepted by acquiescence, and shall be the valued teind of those lands in all time coming.

Deduction of stipend in question with titular.

17. As from the date of standardisation of any stipend which has been standardised under the provisions of this Act, the heritor of any lands from the teinds of which the stipend or any part thereof is exigible shall, in any accounting in respect of those teinds with the titular thereof, be entitled to deduct the amount of the standardised stipend exigible from those teinds, or of any standard charge coming in place of such stipend or any part thereof, whether or not such stipend or part thereof, or standard charge, has been redeemed or extinguished.

Sale of surplus teinds.

18. Notwithstanding anything contained in the Act of the Scots Parliament, 1693, c. 23 (an Act renewing the commission for plantation of kirks and valuation of teinds), or in any other enactment or in any charter, grant or deed, it shall be lawful after the passing of this Act for the titular or any other person having right of titularity to sell surplus teinds on such terms as may be agreed upon between him and the heritor.

Nothing in this section shall prejudice or affect the provisions of the Acts of the Scots Parliament, 1633, c. 17 (anent the rate and price of teinds), and 1690, c. 23 (concerning patronages) or any other enactment at present in force authorising the sale of surplus teinds.

Provisions as to certain payments out of the Consolidated Fund.

19.—(1) The charges and payments described in the Seventh Schedule to this Act and any other payments to or on behalf of the Church or the General Assembly or any committee or institution of the Church or any minister which at the passing of this Act are charged on and payable out of the Consolidated Fund of the United Kingdom shall thenceforth be paid to the General Trustees in such manner as may be directed by the Treasury.

(2) The Treasury may at any time contract for the redemption of all or any of the payments referred to in the preceding subsection by payment to the General Trustees of such capital sum or sums as may be agreed between the Treasury and the General Trustees.

(3)—(i) The Treasury may from time to time borrow from the National Debt Commissioners and those Commissioners may lend to the Treasury such capital sum or sums as may be necessary for carrying into effect any contract made in pursuance of the immediately preceding subsection.

(ii) For the purpose of repaying any such loan the Treasury may create in favour of the National Debt Commissioners a terminable annuity for a period not exceeding twenty years from the date of the loan to be calculated with interest at such rate as may be agreed.

(iii) Such annuity shall be notified by certificate under the hand of the Comptroller or Assistant Comptroller and the Actuary of the National Debt Office and shall be charged upon the Consolidated Fund of the United Kingdom or the growing produce thereof.

PART II.

SCOTTISH ECCLESIASTICAL COMMISSIONERS.

Constitution, powers and procedure of Scottish Ecclesiastical Commissioners.

20.—(1) Such persons not exceeding five in number as His Majesty may appoint shall be Commissioners under this Act for the purposes aftermentioned, and shall be styled the Scottish Ecclesiastical Commissioners. One of the Commissioners being a person who holds or has held judicial office shall be appointed Chairman.

(2) The Commissioners shall hold office during His Majesty's pleasure. If a vacancy occurs in the number of the Commissioners by reason of death, resignation, incapacity or otherwise, His Majesty may appoint some other person to fill the vacancy, and so from time to time as occasion requires.

(3) The Commissioners may act by any one or more of their body and notwithstanding any vacancy in their number; but if any person aggrieved by an order or decision of one Commissioner so requires, the order or decision shall be reconsidered on re-hearing by not less than three Commissioners.

(4) The procedure, place of meeting, and authentication of documents of the Commissioners shall be regulated in such manner as the Commissioners determine.

(5) The Commissioners may examine witnesses on oath, and for enforcing the attendance of witnesses, the examination of witnesses and the production of books and documents, shall have all such powers, rights, and privileges as are vested in any of His Majesty's Courts of Law.

(6) The Commissioners may appoint or employ a secretary and such other officers and persons and with such remuneration as they think necessary, and may remove any person so appointed or employed.

(7) The salaries and remuneration of any persons so appointed or employed, and all expenses of the Commissioners incurred in the execution of this Act, shall be paid out of moneys to be provided for that purpose by the General Assembly.

Orders of Commissioners.

21.—(1) The Commissioners may, after such inquiry in each individual case as they may think fit, make such orders as they may consider necessary or proper for any of the following purposes, that is to say:

(*a*) for giving effect to the schemes framed by the Commissioners under the provisions of this Act relating to burgh churches, including the modification of the Act 23 & 24 Victoria, chapter 50, entitled "An Act to abolish the annuity tax "in Edinburgh and Montrose, and to make "provision in regard to the stipends of the "ministers in that city and burgh, and also "to make provision for the patronage of the "church of North Leith," and of any other local or personal Act, decree of the Court of Session or Court of Teinds or agreement relating to the burgh churches;

(*b*) for the transfer to the General Trustees of the parliamentary churches and manses under the provisions of the section of this Act relating to parliamentary churches and manses;

(*c*) for the transfer to the General Trustees of the churches and manses of the parishes mentioned in the Eighth Schedule to this Act;

(*d*) for the transfer to the General Trustees of endowments referred to in the section of this Act relating to endowments in certain parishes quoad omnia;

(*e*) for framing and giving effect to schemes relating to churches and manses with respect to which the sheriff may, as hereinafter provided, find and declare that the case ought to be dealt with by the Commissioners;

(*f*) for giving effect to the provisions of the section of this Act relating to the transfer of rights in glebes;

(*g*) for framing and giving effect to a scheme or schemes under the provisions of the section of this Act relating to allocation by General Trustees of certain moneys to be received from Treasury;

(*h*) for the protection and preservation of any church or other ecclesiastical building which is for the time being used for ecclesiastical purposes, and which the Commissioners may, upon application made to them by the Royal Commission on Historic Monuments in Scotland or any person interested, consider to require special provisions in the public interest with respect to maintenance and access;

(*i*) for the transfer to and administration by the General Trustees of any capital sum fixed or awarded and invested by way of commutation of fish teinds under the provisions of the Fish Teinds (Scotland) Act, 1864;

27 & 28 Vict. c. 33.

(*j*) for the transfer to a kirk session of communion plate or other ecclesiastical furnishings in use in a church or by a congregation in any case in which a right of property in the plate or other furnishings is claimed by any public body;

(*k*) for any other matter or thing which the Commissioners consider to be necessary or proper in connection with any of the purposes aforesaid.

(2) Any such order shall have effect as if enacted in this Act, and may be recorded in the Register of Sasines.

(3) In respect that the Act 23 & 24 Victoria, chapter 50, imposed an obligation on the town council of Edinburgh to grant a bond of annuity for the annual sum of four thousand two hundred pounds to the Edinburgh Ecclesiastical Commissioners for the purposes of the said Act, and in respect that the Act 33 & 34 Victoria, chapter 87, empowered the said town council to redeem the said bond of annuity by a payment to the said Commissioners of the sum of fifty-six thousand five hundred pounds and that the said bond of annuity was so redeemed by the payment of the said sum to the said Commissioners, nothing contained in this Act or in any order to be made by the Commissioners under the provisions of this section shall impose or be deemed to impose any further financial obligation or liability on the said town council in relation to the burgh churches situated within the burgh of Edinburgh, and any liability or obligation incumbent on the said town council in connection with the upkeep and maintenance or restoration or renewal of the burgh churches situated within the said burgh or payment of stipend to the ministers thereof shall be deemed to have been fulfilled and shall be at an end.

Burgh churches.

22. With respect to the churches mentioned in the Ninth Schedule to this Act (in this Act referred to as "burgh churches") the following provisions shall have effect:—

(1) As soon as conveniently may be after the passing of this Act the Commissioners shall inquire into all circumstances relating to existing rights of property in the fabrics and sites of the burgh churches, and any manses or other subjects connected therewith, and in any churchyards connected with the burgh churches, the stipends of the ministers thereof and any funds, endowments, pew rents or assessments from which the stipends of the ministers, the maintenance of the churches and other subjects, and any other expenditure in connection therewith is defrayed, and shall thereafter frame schemes for the future ownership, maintenance, and administration of the burgh churches and other subjects and the payment of stipend to the ministers:

(2) Every such scheme shall make provision for—

(*a*) the transfer to the General Trustees of all rights of property vested in or belonging to the magistrates or the town council of any of the burghs within which the burgh churches are situated in the fabrics and sites of the burgh churches and of any manses and other subjects connected therewith, and in any churchyards connected with the burgh churches, and for the transfer to the General Trustees of the duty of maintaining any property so transferred;

(*b*) the transfer to the General Trustees of all or any property held for church purposes by or on behalf of the magistrates or the town council of any of the burghs within which the burgh churches are situated;

(*c*) the periodical payment to the General Trustees of all sums which are at present paid or payable by the magistrates or town council of any of the said burghs in respect of the stipends of the ministers of the burgh churches and (so far as the Commissioners consider this to be equitable and reasonable) of all sums which are at present paid or payable by the magistrates or town council of any of the said burghs in respect of the ownership and maintenance of the fabrics and sites of the churches and manses, or other subjects connected therewith;

(*d*) the redemption of such periodical payments by the payment to the General Trustees of a capital sum or by the creation of terminable annuities or of sinking funds;

(*e*) the transfer to the General Trustees of any property heritable or moveable held by any public body (whether statutory or otherwise) or person other than the magistrates or town council for the benefit of the minister of any of the burgh churches by way of stipend;

(*f*) the protection of the interests of the ministers or assistants and successors who at

the passing of this Act are incumbents of the benefices of the burgh churches;

(*g*) the protection (so far as the Commissioners consider this to be practicable) of the interests of town councils in the burgh churches as regards sittings allotted to the town councils for their use, the right to have the church bells rung on special occasions, and the preservation of any other similar right or privilege hitherto enjoyed by the town councils;

(*h*) the General Trustees before selling, feuing, or otherwise alienating a burgh church, and the site thereof, giving to the town council of the burgh in which such burgh church is situated an opportunity of acquiring the same on such terms and conditions as may be agreed upon or as, failing agreement, may be determined by an arbiter to be appointed by the sheriff on the application of either party provided as follows:—

(i) The price to be paid to the General Trustees by the town council shall not exceed such a sum as would be necessary to reinstate the church on a new site within the municipal boundaries of the burgh in which such burgh church is situated, should it in the judgment of the General Trustees be necessary to provide at the time a new church within the municipal boundaries of such burgh;

(ii) In the event of it being unnecessary in the judgment of the General Trustees to provide at the time a new church such as aforesaid the price to be paid to the General Trustees by the town council shall not exceed such a sum as would be necessary to reimburse the General Trustees for all expenditure incurred by them subsequent to the passing of this Act, and within forty years prior to the date of the sale, for the repair, enlargement, or renewal of

such burgh church, or part thereof, or as the case may be to liquidate any outstanding debt or obligation incurred or undertaken by the General Trustees relative to any such repair, enlargement, or renewal (so far as such expenditure, debt, or obligation has not been met out of any periodical payment made by the magistrates or town council of such burgh for the maintenance of such burgh church, or out of any capital sum, terminable annuity, or sinking fund paid in respect of the redemption thereof), and to meet the expenses of the necessary conveyance:

(3) The General Trustees shall not be entitled to sell, feu, or otherwise alienate any of the burgh churches or the site thereof to any person unless they shall have previously offered to convey such church or site to the town council of the burgh in which such church is situated, on the same terms and conditions as they may be prepared to accept from such person, and the town council have failed to reply to the offer within a period of one month from the date thereof, or have within that period declined to accept the offer:

(4) The provisions of this Act in regard to the transfer to the General Trustees of all rights of property in any churchyards connected with the burgh churches, and the duty of maintaining any churchyards so transferred, shall not apply to the churchyards of Greyfriars and Canongate in the burgh of Edinburgh, or to the churchyard of St. David's or Ramshorn in the burgh of Glasgow, or to the churchyards of St. Nicholas and St. Clements in the burgh of Aberdeen, which churchyards shall continue to belong to and be maintained by the town councils of the said burghs, respectively:

(5) In the application of paragraphs (*b*), (*c*), and (*d*) of subsection (2) of this section to any scheme framed with respect to any of the burgh churches the Commissioners shall have

regard to the conditions contained in the decree of disjunction and erection of the burgh church:

(6) When all matters contained in the scheme relating to a burgh church have been duly carried out and implemented all liability or obligation incumbent on the magistrates and town council of the burgh in which a burgh church is situated, in connection with the upkeep and maintenance of such burgh church and payment of stipend to the minister thereof, shall be deemed to have been fulfilled and shall be at an end, subject only to the payment of any capital sum, terminable annuity, or sinking fund for the redemption of any periodical payment made by such magistrates or town council in connection with the maintenance of such church and the stipend of the minister thereof.

Parliamentary churches and manses.

23. With respect to the churches and manses mentioned in the Tenth Schedule to this Act (which together with any land whether described as churchyard, glebe, or otherwise connected with the said churches and manses are in this Act referred to as "parliamentary churches and manses") the following provisions shall have effect:—

As soon as conveniently may be after the passing of this Act the Commissioners shall inquire into all circumstances relating to existing rights of property in the fabrics and sites of the parliamentary churches and manses, and to the maintenance thereof whether under the provisions of the Act 5 George IV., Chapter 90, and any conveyance or other deed relating to any of the said churches and manses in favour of the Commissioners under the said Act or under any decision of the Court of Teinds or otherwise, and the Commissioners shall thereafter by order provide for the transfer to the General Trustees of the fabrics and sites of the said churches and manses, and of all powers and duties with respect to the maintenance and repair of the said fabrics and the allocation of sitting accommodation in the said churches.

Churches and manses of certain parishes erected under Act of 1844.

24. With respect to the churches and manses of the parishes quoad omnia mentioned in the Eighth Schedule to this Act, the following provisions shall have effect:—

As soon as conveniently may be after the passing of this Act the Commissioners shall inquire into all circumstances relating to existing rights of property in the fabrics and sites of the churches and manses of the parishes aforesaid, and to the maintenance thereof whether under any existing titles relating to the said churches and manses or otherwise, and the Commissioners shall thereafter by order provide for the transfer to the General Trustees of the fabrics and sites of the said churches and manses, and of all powers and duties with respect to the maintenance and repair of the said fabrics, and the allocation of sitting accommodation in the said churches.

Endowments in certain parishes quoad omnia.

25. Where in the case of a parish quoad omnia (not being one of the parishes quoad omnia mentioned in the Eighth Schedule to this Act) there exists any mortification or other endowment not derived from teinds which is for the benefit of the minister by way of stipend, the Commissioners shall, upon application made to them by the General Trustees, inquire into all circumstances relating to such endowment, and may thereafter by order provide for the transfer of the endowment to the General Trustees:

Provided that, except in the case of a benefice which is actually vacant at the passing of this Act, any order made by the Commissioners under this section shall not take effect unless or until the benefice shall have become actually vacant after such passing.

PART III.

TRANSFER OF PARISH CHURCHES, MANSES, GLEBES AND CHURCHYARDS.

Parish churches,

26. With a view to the transfer to and vesting in the General Trustees of all rights of property in and

duties of maintenance or extension with respect to the churches, manses, and glebes of parishes quoad omnia (other than the churches and manses of the parishes quoad omnia mentioned in the Eighth Schedule to this Act), the transfer to and vesting in the respective parish councils of all such rights in and duties with respect to the churchyards of such parishes, and the extinction of all such rights and duties as aforesaid heretofore belonging to and incumbent upon heritors or ministers, the following provisions of this Part of this Act shall have effect, and shall apply to such parishes only.

manses, glebes and churchyards.

27. No proceedings relating to any of the matters mentioned in section three of the Ecclesiastical Buildings and Glebes (Scotland) Act, 1868, shall be instituted or entertained before or by any presbytery or any court of law or the Commissioners except as hereinafter in this Act provided. The foregoing provision shall be deemed to have had effect as on and from the first day of February, nineteen hundred and twenty-five, but without prejudice to any proceedings instituted before that date or to the enforcement of any order, finding, judgment, interlocutor, or decree made, given, or pronounced therein, or to any contract or agreement made by heritors before that date or to any resolution passed by heritors to levy an assessment to meet expenditure incurred in pursuance of such contract or agreement, and any such assessment shall be recoverable as if this Act had not been passed.

Proceedings relating to matters mentioned in section 3 of 31 & 32 Vict. c. 96.

28.—(1) Where the General Trustees are of opinion that any church or manse is not in a reasonable state of tenantable repair and that the duty of executing repairs is incumbent upon heritors, the General Trustees may agree with the heritors concerned for the repair of the same by or at the expense of the heritors or for the payment by the heritors to the General Trustees of a sum of money in lieu of repair, and failing agreement the General Trustees may within three years after the passing of this Act apply to the sheriff for an order directing the heritors to carry out such repairs (if any) not involving structural alterations as he may consider necessary, or if the General Trustees so require to pay to the General Trustees such sum of money in lieu of repair as the sheriff may determine. The sheriff shall

Transfer of rights in parish churches and manses.

deal with any such application in a summary manner and his decision shall be final.

(2) Any heritor concerned or the General Trustees may apply to the sheriff for a certificate that all obligations incumbent on the heritors with respect to the church or manse of a parish have been fulfilled, and the sheriff shall deal with the application in a summary manner and shall issue a certificate to that effect if the General Trustees state or admit that all such obligations have been fulfilled, or if failing such statement or admission, he is satisfied either that any agreement or order made as aforesaid has been implemented, or that notwithstanding the absence of any such agreement no application has been made for such an order within three years after the passing of this Act, or that any application for an order so made has been refused. The certificate may be in or as nearly as may be in the form set out in the Eleventh Schedule to this Act, and shall contain or refer to a description of the subjects whether church or manse to which it relates and may be recorded by the General Trustees or by any heritor concerned in the appropriate Register of Sasines.

(3) When a certificate issued by the sheriff under this section has been recorded as aforesaid—

(*a*) any liability or obligation incumbent on any heritor in connection with the subjects to which the certificate relates shall be at an end except the obligation or liability to assess or to be assessed for the repayment of any debt existing at the date of the certificate; and

(*b*) all rights of property in the said subjects shall by virtue of this Act and without the necessity of any further conveyance vest in and belong to the General Trustees, to the same effect as if a complete feudal title holding of the Crown in free blench farm for payment of a penny Scots yearly if asked only had been duly constituted in favour of the General Trustees.

(4) Whereas in certain parishes, town councils in their capacity as town councils, or other public bodies (whether statutory or otherwise) or kirk sessions or persons are under the present law and practice or by Royal Warrant, charter, agreement or custom liable along with or in place of the heritors in obligations relating to the church or

manse, it shall be lawful, in any such case, for the presbytery or the General Trustees or any other person concerned to apply to the sheriff to find and declare that the case ought to be dealt with by the Commissioners, and if the sheriff so finds and declares the provisions of this section shall have no further application to the case, and the Commissioners shall as soon thereafter as conveniently may be inquire into all circumstances relating to existing obligations in respect of the fabric and site of such church or manse and the maintenance of such fabric, and by order provide for the transfer to the General Trustees of the said fabric and site, and of all powers and duties with respect to the maintenance and repair of the said fabric.

(5) If in any application to the sheriff under this section a question arises as to whether or not the church or manse to which the application relates is the church or manse of a parish within the meaning of this section, that question shall be determined by the sheriff in a summary manner, and his determination shall be final.

(6) Whenever in any parish it shall be necessary in consequence of anything done, or agreed, or ordered to be done under or in pursuance of this section to impose any ecclesiastical assessment upon lands and heritages in the parish, and such assessment is imposed according to the real rent thereof, the following provisions shall have effect, in lieu of the provisions of section three of the Ecclesiastical Assessments (Scotland) Act, 1900 :— 63 & 64 Vict. c. 20.

(*a*) No part of such assessment shall be imposed or levied upon lands and heritages occupied solely as the church and accessory buildings or burying-ground attached of any religious body, or as the dwelling-house with offices or garden or glebe land attached of the minister of such church;

(*b*) The rental on which each heritor shall be assessed shall be his total rental within the parish as appearing in the valuation roll (whether such rental consists of one or more subjects), but subject to deduction of the sum of thirty pounds;

(*c*) The amount of the deficiency created in the total amount of the assessment, by allowing

the said deduction of thirty pounds to every heritor, shall be defrayed by the General Trustees;

(*d*) No heritor, who by reason of any exemption or deduction allowed by this subsection is relieved altogether from assessment in respect of the execution of any repair, or in respect of any payment by the heritors in lieu of repair, shall be entitled at any meeting of the heritors to take part in the discussion of, or to vote upon, any question concerning any plans for or the execution of the said repair, or the defraying of the expenses of the same, or any question concerning an agreement involving payment by the heritors in lieu of repair.

(7) Whenever in any parish it shall be necessary in view of anything to be done or agreed, or in consequence of anything done or agreed, or ordered to be done under or in pursuance of this section to call a meeting of heritors, a circular letter containing an intimation of the meeting shall be sent twenty-one clear days before the meeting to every known heritor whose total rental within the parish as appearing in the valuation roll (whether such rental consists of one or more subjects) exceeds the sum of thirty pounds, and intimation of the meeting shall also be given by advertisement in a newspaper circulating in the parish once during each of two successive weeks and within the said period of twenty-one days.

(8) Subject to the modifications in the two immediately preceding subsections of this section the existing law and practice relating to heritors' meetings and ecclesiastical assessments shall apply to meetings of heritors to be held and ecclesiastical assessments to be imposed under, or in consequence, or pursuance of this section.

Rights with respect to sitting accommodation in parish churches.

29. On the expiry of one year from the date on which any church is by or in pursuance of this Act transferred to the General Trustees the right of allocating sitting accommodation in the church, whether with or without payment therefor, and the right of disposal of any proceeds therefrom shall belong to the kirk session, or to such other body as the General Assembly may direct and any existing right to such accommodation shall cease and terminate.

30. With respect to glebes, the following provisions shall have effect:— Transfer of rights in glebes.

(1) It shall be the duty of the clerk of every presbytery within one year after the passing of this Act to furnish to the Commissioners a list of the glebes appropriated to the ministers of the parishes in the presbytery, and of any cases where a minister has accepted or is entitled to any annual payment in place of glebe, and at the same time to intimate in which cases (if any) it is claimed by the presbytery (whether on the representation of the minister concerned or otherwise) that the heritors concerned have not fully implemented the obligations incumbent on them according to the present law and practice with respect to the provision and enlargement of a glebe:

(2) As soon as conveniently may be after the receipt of the said lists, the Commissioners shall inquire into all circumstances relating to existing rights of property in the glebes, and in any payments in place of glebe, and shall thereafter make orders relating to the glebes and payments:

(3) Every such order shall make provision for—

(*a*) the implement by the heritors of any obligations incumbent on them as aforesaid which have not already been implemented; and

(*b*) the transfer to and vesting in the General Trustees of the ownership of the glebes; and

(*c*) the preservation of the existing rights of all persons other than the heritors or the minister of the parish who, under or in pursuance of any general or local Act of Parliament or otherwise, have acquired any right in any glebe or any part thereof, whether as purchasers, feuars, or tenants, and the payment of any feu-duties, casualties, or rent to the General Trustees in place of the minister; and

(*d*) the manner in which—

(i) any burden upon the glebe created under section eighteen of the Glebe Lands (Scotland) Act, 1866; and 29 & 30 Vict. c. 71.

(ii) any of the costs, charges and expenses referred to in that section which have not been made a burden on the glebe

may be dealt with, discharged and extinguished; and

(*e*) the transfer to the General Trustees of any feu-duties and Government or other securities or investments representing the price or consideration received for any glebe or part thereof or right therein under or in pursuance of the Glebe Lands (Scotland) Act, 1866, the Feudal Casualties (Scotland) Act, 1914, or any other general or local Act of Parliament, or any decree of the Court of Teinds, or any grant or contract validly made by a minister and held by any persons acting as trustees in trust for the payment of the income to the minister of the parish; and

4 & 5 Geo. 5. c. 48.

(*f*) the conversion into a money payment of any right of pasturage over any lands which is possessed by the minister as minister of the parish, and the redemption of that money payment, if the heritor or heritors concerned so desire, in such manner as may be agreed upon between the General Trustees and such heritor or heritors, or as, failing agreement, may be fixed by the Commissioners; and

(*g*) the protection of the interests of the ministers or assistants and successors who at the passing of this Act are incumbents of the benefice of any parish.

Redemption of feu duty affecting glebe.

31. Where the glebe or any part thereof has been feued to the proprietors of conterminous lands in terms of section seventeen of the Glebe Lands (Scotland) Act, 1866, and the feu-duty payable therefor has been transferred to the General Trustees by an order made by the Commissioners, the said proprietors or their successors shall be entitled to redeem the feu-duty affecting the glebe or any part thereof—

(*a*) for such consideration or in such manner as may be agreed upon between the person liable and the General Trustees; or

(*b*) at any term of Whitsunday or Martinmas after three months' notice either—

(i) by payment to the Trustees of such a sum as would, if invested at the time of payment in Consolidated 2½ per cent. annuities produce an annual sum equal to the feu duty; or

(ii) by transfer to the General Trustees of such an amount of Consolidated 2½ per cent. annuities as would produce an annual sum equal to the feu duty.

Transfer of parish churchyards.

32.—(1) The property of any churchyard heretofore held by the heritors of any parish shall as at and from the passing of this Act by virtue of this Act and without the necessity of any further conveyance be transferred from the heritors and vested in the parish council to the same effect as if the churchyard had been as at that date transferred by the heritors to the council in pursuance of subsection (6) of section thirty of the Local Government (Scotland) Act, 1894: Provided that due regard and respect shall be had by the parish council to the memory of the dead and the wishes of their relatives before any ground already allocated as a burial ground shall be treated as being vacant and unoccupied ground and re-allocated by the parish council as the burial place for another family or for the interment of another body: Provided also that in addition to the powers and duties by the said subsection transferred from the heritors to the parish council the power or duty of enlarging or extending the churchyard and assessing for the cost of such enlargement or extension shall also be so transferred and for the purpose of providing ground for such enlargement or extension or additional accommodation in a suitable and convenient situation, the parish council shall have and may exercise all the powers relating to the acquisition of land for burial grounds contained in the Burial Grounds (Scotland) Act, 1855, and the costs of providing, maintaining, and managing ground so acquired, so far as they require to be defrayed out of any rate, shall be a charge on the poor rate or the assessment under the said Act of 1855, as the parish council may determine: Provided further that where any churchyard transferred to a parish council by or in pursuance of this Act surrounds or

57 & 58 Vict. c. 58.

18 & 19 Vict. c. 68.

adjoins any church or other ecclesiastical building vested in the heritors or in the General Trustees or in any other body holding the same in trust for the purpose of worship or for preservation as an ancient or historic monument—

(*a*) the churchyard shall be held subject to a right of access to the minister and the congregation attending the church, and such other persons as may resort thereto for the purpose of public or private worship, or of inspecting or repairing the church, or for any other lawful purpose; and

(*b*) no funeral shall be allowed to take place during the usual time of the ordinary services in the church; and

(*c*) any road or path through the burial ground shall be kept in good and sufficient repair by the parish council; and

(*d*) where the use of part of the churchyard is required for the enlargement or repair of the church it may be so used in any case where it might lawfully have been so used if this Act had not been passed and subject to the like conditions and restrictions, and where used for the purpose of the enlargement of the church the part so used shall thereupon vest in the heritors or the General Trustees or other body holding the church as aforesaid.

(2) The provisions relating to the sale of the right of burial contained in section eighteen of the Burial Grounds (Scotland) Act, 1855, shall apply to any churchyard transferred to a parish council by or in pursuance of this Act, and to any enlargement or extension thereof.

(3) Where the powers and duties conferred and imposed by the Burial Grounds (Scotland) Act, 1855, are exercised and carried out by a local authority other than the parish council, the foregoing provisions of this section shall, with the necessary modifications, have effect as if that authority were named therein instead of the parish council, and any expenses of the local authority due to the operation of this section shall be defrayed in the same manner as expenses under the said Act of 1855. Where in any parish the powers and duties

conferred and imposed by the said Act of 1855 are carried out by more than one local authority, this subsection shall be held to refer to the local authority carrying out the said powers and duties within the district where the churchyard is situated.

(4) Where the property of a churchyard is held by the kirk session of the parish the foregoing provisions of this section shall, with the necessary modifications, have effect as if the kirk session were named therein and in subsection (6) of section thirty of the Local Government (Scotland) Act, 1894, instead of the heritors.

(5)—(*a*) Where a churchyard of a parish has been closed—

(i) either before or after the passing of this Act under the Burial Grounds (Scotland) Act, 1855, or as a result of proceedings under the Public Health (Scotland) Act, 1897; or 60 & 61 Vict. c. 38.

(ii) before the passing of this Act by resolution of the heritors on the ground that no accommodation for further interments remains available therein; or

(iii) by desuetude during a period of twenty years or upwards prior to the passing of this Act;

the kirk session of the parish may, within ten years after the passing of this Act, in the case of a churchyard which has been closed before the passing of this Act, or within ten years after the date of the closing of a churchyard in the case of a churchyard closed after the passing of this Act, intimate in writing to the parish council or other local authority to whom the churchyard has been transferred that the kirk session desire to take over the custody, maintenance, and control of such churchyard, and the parish council or other local authority, as the case may be, shall, on receiving such intimation, transfer the custody, maintenance, and control of such churchyard to the kirk session, subject always to such conditions (if any) as the parish council or other local authority may appoint with respect to the public right of access to the churchyard free of charge.

(*b*) Where a churchyard of a parish which has been transferred to a parish council or other local authority has been closed, or has ceased to be used for interment, the parish council or other local authority, as the case may

be, may at any time, upon the application in writing of the kirk session of the parish, transfer the custody, maintenance, and control of such churchyard to the kirk session.

(*c*) Where the custody, maintenance, and control of a churchyard have, in pursuance of this subsection, been transferred to the kirk session, the kirk session shall thenceforward be responsible for such custody, maintenance, and control, and for any expense in connection therewith.

Preservation of monuments, &c., in churches and churchyards.

33. For the preservation and maintenance of any family burying ground, or enclosure, tombstone, monument, or other memorial to the dead, in any parish churchyard or parish church, any person who, in the case of a parish churchyard, satisfies the parish council or other body to whom the parish churchyard or the control thereof is transferred, and in the case of a parish church satisfies the General Trustees that he has an interest in such burying ground, enclosure, tombstone, monument, or other memorial, on the ground of relationship to the deceased person or persons therein buried or thereby commemorated, shall be entitled, with the approval of the parish council or other body to whom the parish churchyard or the control thereof is transferred, or the General Trustees, as the case may be, to provide for the preservation and maintenance of the same.

PART IV.

GENERAL.

Provisions relating to quoad sacra parishes.
7 & 8 Vict. c. 44.
31 & 32 Vict. c. 30.
39 & 40 Vict. c. 11.

34. With respect to parishes quoad sacra erected under the New Parishes (Scotland) Act, 1844, the United Parishes (Scotland) Act, 1868, and the United Parishes (Scotland) Act, 1876 (other than parishes quoad sacra erected under section fourteen of the said Act of 1844), the following provisions shall have effect:—

(1) In the case of a parish erected before the passing of this Act—

(*a*) The statutory properties and endowments of the parish shall be transferred to the General Trustees as in this section provided;

(*b*) As soon as conveniently may be after the passing of this Act there shall be prepared by the General Trustees and certified by the Clerk of Teinds with respect to each parish, an inventory referring to this section of this Act and setting out the statutory properties and endowments of the parish, and each such inventory shall specify—

(i) the name of the parish;

(ii) each property or security forming part of the said statutory properties and endowments; and

(iii) the name or names of the person or persons in whom the same is vested;

(*c*) Without prejudice to the provisions of the immediately following paragraph of this subsection any person in whom any property or security specified in any such inventory is vested shall if so required by the General Trustees, and at their expense, transfer such property or security to the General Trustees, and do and concur in doing all acts and things necessary for that purpose;

(*d*) Upon any such inventory in so far as the same relates to heritable properties or securities being recorded in the appropriate register of sasines the heritable properties and securities specified in such inventory shall by virtue of this Act and without the necessity of any further conveyance be deemed and taken to be validly transferred to and vested in the General Trustees as if a disposition or assignation by the person or persons in whom the said heritable properties or securities were vested had been granted in favour of the General Trustees and had been recorded in the appropriate register of sasines;

(*e*) (i) The Clerk of Teinds shall make available to the General Trustees, so far as may be necessary for the purposes of this section, all or any title deeds, certificates, or other documents which are in his custody as keeper of the records of the Court of

Teinds relating to any properties or securities specified in any such inventory;

(ii) Upon the completion of the transfer of any such properties and securities to the General Trustees the Clerk of Teinds shall hand over to the General Trustees any title deeds, certificates, or other documents relating to the same which are in his custody as aforesaid upon a receipt therefor being given by the General Trustees;

(*f*) The General Assembly, or any body to which the General Assembly may delegate the necessary power, may at any time after the completion of the transfer to the General Trustees of the properties and securities specified in any such inventory alter the existing deed of constitution of the parish to which the inventory relates, or annul the said deed and grant a new deed of constitution in place thereof;

(*g*) The statutory properties and endowments of the parish transferred to the General Trustees under or by virtue or in pursuance of this subsection shall, notwithstanding anything elsewhere in this Act contained, be held by the General Trustees for the same ends, uses, and purposes as those for which they were held by the trustees or other persons in whom they were vested prior to their being so transferred;

(2) In the case of a parish erected after the passing of this Act—

(*a*) the titles, deeds, certificates, and other documents of or relating to the statutory properties and endowments of the parish shall be taken in the name of the General Trustees;

(*b*) the original deed of constitution shall be in such terms as the General Assembly, or any body to which the General Assembly may delegate the necessary power, may direct, and the General Assembly or any such body may subsequently alter the said deed or

annul the same and grant a new deed of constitution in place thereof:

(3) Nothing in this section shall apply to any permanent endowment secured from teinds under section thirteen of the New Parishes (Scotland) Act, 1844:

(4) In this section—

the expression "the statutory properties and endowments of the parish" means—

(i) the church erected as a parish church for the parish under the aforesaid Acts of 1844, 1868, and 1876; and

(ii) where a manse or glebe has been permanently provided under the said Acts as part of the endowment of the minister of the parish, such manse or glebe; and

(iii) any feu-duties, ground annuals, bonds of annual rent, or other heritable securities permanently provided and secured at the time of erection or subsequently substituted with the sanction of the Court of Teinds for the minister of the parish or for the maintenance of the church or manse or payment of the feu-duty thereon; and

(iv) any Government securities or other securities or investments (not being heritable securities) permanently provided and secured or substituted as aforesaid;

the expression "church" includes the fabric and site of the church and hall (if any) and any ground used as a burial ground in connection therewith;

the expression "manse" includes the dwelling-house and offices and appurtenances thereof.

Provisions relating to the allocation and redemption of bonds of annual rent

35.—(1) Where the debtor under any bond and disposition in security, bond of annual rent, or other heritable security, whereby the payment of any annual sum is secured over land in favour of the minister of any parish quoad sacra erected under the New Parishes (Scotland) Act, 1844, the United Parishes (Scotland)

held for behoof of quoad sacra churches.

Act, 1868, and the United Parishes (Scotland) Act, 1876, or in favour of the trustees acting under the deed of constitution of any such parish or of the General Trustees as coming in place of such minister or trustees (such minister or trustees or the General Trustees, as the case may be, being hereinafter in this section referred to as "the creditor"), sells or has sold any portion of such land the debtor shall be entitled to allocate upon the portion of such land so sold such a proportion of such annual sum as may be agreed upon between the debtor and the creditor, or, failing agreement, as may be fixed by the sheriff of the county in which such land is situated upon the application of the debtor.

(2) If, as a result of any such allocation as is provided in the preceding subsection, the proportion of such annual sum so allocated, or the proportion of such annual sum remaining unallocated, does not exceed one pound in amount, the debtor shall forthwith redeem the same by payment to the General Trustees of a sum equal to the proportion of such annual sum so allocated, or to the proportion of such annual sum remaining unallocated, as the case may be, multiplied by twenty, and if the proportion of such annual sum so allocated, or the proportion of such annual sum remaining unallocated, exceeds one pound but is less than fifteen pounds in amount, such proportion shall be increased from the date when such allocation takes effect by five per cent.

(3) Where the debtor and the creditor have agreed upon, or the sheriff has fixed, the proportion of such annual sum to be allocated the debtor shall be entitled to obtain from the creditor a memorandum of allocation in or as nearly as may be in the form of the Thirteenth Schedule to this Act, and upon such memorandum of allocation being recorded in the appropriate register of sasines the allocation contained therein shall be binding on all having interest.

(4) Such annual sum or an allocated proportion thereof exceeding one pound may at any time be redeemed by and in the option of the debtor either

(*a*) for such consideration or in such manner as may be agreed upon between the debtor and the creditor; or

(*b*) at any term of Whitsunday or Martinmas after three months' notice either

(i) by payment to the creditor of such a sum as would, if invested at the time of payment in Consolidated 2½ per cent. annuities produce a yearly amount equal to the annual sum to be redeemed, or

(ii) by transfer to the creditor of such an amount of Consolidated 2½ per cent. annuities as would produce a yearly amount equal to the annual sum to be redeemed.

(5) Upon such annual sum or the allocated proportion thereof being redeemed by the debtor, as in this section provided, the debtor shall be entitled to obtain from the creditor a deed or other document disburdening the land over which the same is secured, which shall be recorded on behalf of the debtor in the appropriate register of sasines.

(6) The whole expenses of any allocation of such annual sum and of the redemption of such annual sum or a proportion thereof shall be defrayed by the debtor.

(7) In this section the word "debtor" includes the original debtor, his successor in such land, any uninfeft or infeft purchaser of such land or portion thereof, or any disponee to whom such land or portion thereof may be disponed.

Requirements of parish to be first charge on endowments.

36. All moneys received by the General Trustees with respect to any parish under or in pursuance of the provisions of this Act relating to stipend and any church, manse, glebe or other property heritable or moveable situated in, or forming part of, the endowments of any parish transferred to, or received by, the General Trustees by or in pursuance of this Act, and the proceeds of any such moneys, property, or endowments shall be appropriated in the first place to meeting the proper requirements of that parish or its neighbourhood (as such requirements may be determined by the General Assembly or by any body to which the General Assembly may delegate the necessary power), and any remainder after these requirements have been fully met shall form part of a general fund at the disposal of the General Assembly: Provided that except

where a benefice is actually vacant at the passing of this Act or has become actually vacant thereafter—

(*a*) all payments received by the General Trustees from heritors in respect of a stipend or standard charge until the same is redeemed, and the income from the redemption money in respect of the stipend or standard charge, shall be appropriated to the payment of that stipend after deduction of a sum not exceeding two per centum of the said payments and income to meet the expense of administration; and

(*b*) the determination of the General Assembly shall not be exercised so as to decrease the amount of stipend, or the income from, or in respect of, any property transferred to the General Trustees as aforesaid to be received by the incumbent of a benefice nor so as to diminish the benefit to be derived by the incumbent from the use or occupation of any such property.

Powers of General Trustees.

37. In addition to any powers which they already enjoy, the General Trustees shall have power to hold, maintain, administer, and dispose of any property of whatsoever description transferred to, or received by, or vested in them under, or in pursuance of this Act, subject always to the provisions of this Act and to the directions of the General Assembly: Provided that the General Trustees before selling or feuing a glebe or any part thereof shall give to the heritor or heritors whose lands adjoin such glebe or part an opportunity to purchase or take the same in feu at such price or feu-duty and on such terms as may be agreed upon between the General Trustees and the heritor or heritors, or as may, failing agreement, be determined by an arbiter appointed by the sheriff on the application of either party. Without prejudice to the foregoing generality, the General Trustees shall have power, subject as aforesaid, to compromise or settle any claim against or by any heritor or other person arising out of anything contained in this Act or done thereunder.

Additional powers of General Trustees.

38.—(1) The General Assembly shall have power to appoint from among the General Trustees a chairman and a vice-chairman of the General Trustees who shall

respectively hold office for such period with such powers and duties, and subject to such conditions as the General Assembly may determine, and such chairman and vice-chairman or either of them may receive such remuneration as the General Assembly may from time to time fix. Such chairman, whom failing such vice-chairman, shall when present act as chairman at all meetings of the General Trustees, and when so present shall come in place of any chairman falling to be appointed under section thirteen of the Church of Scotland (General Trustees) Order, 1921, and shall have the like voting powers. Without prejudice to the provisions of the said section with respect to the manner in which meetings of the General Trustees may be called, the chairman or the vice-chairman appointed by the General Assembly may direct that meetings of the General Trustees shall be called.

(2) The General Trustees shall have power to appoint or employ (either from among their own number or otherwise) a solicitor or legal adviser to the General Trustees and such additional officers, attorneys, and persons as they may consider necessary for the proper conduct of the business of the General Trustees, and to pay to such solicitor or legal adviser or other officers, attorneys, or persons employed by them suitable remuneration for their services.

(3) Any intimation to the General Trustees shall be competently made if addressed to the clerk or the chairman or vice-chairman of the General Trustees on their behalf at the known address of the General Trustees in Edinburgh, and any intimation by the General Trustees shall be competently made by the clerk or the chairman or vice-chairman on their behalf.

(4) The General Assembly shall have power to determine from time to time the number of General Trustees who shall form a quorum at meetings of the General Trustees, provided always that the number so determined shall in no case be less than three as prescribed in section thirteen of the Church of Scotland (General Trustees) Order, 1921.

(5) All expenses incurred by the General Trustees in the discharge of their duties under this Act, so far as such expenses are not otherwise provided for under this Act, shall be defrayed in such manner as the General

Assembly may determine, and the provisions of section nineteen of the said Order of 1921 shall not apply to such expenses.

(6) The General Assembly may from time to time make byelaws and regulations to be observed by the General Trustees in the discharge of their duties under this Act.

Allocation by General Trustees of certain moneys to be received from Treasury.

39.—(1) As soon as conveniently may be after the passing of this Act the Commissioners shall frame a scheme or schemes for the allocation by the General Trustees of the annual sums of twelve thousand pounds and five thousand and forty pounds mentioned in the Seventh Schedule to this Act, and of the income from any capital sum or sums received by them in redemption of the said annual sums, or either of them, and for the payment by the General Trustees of the various amounts so allocated.

(2) In framing any such scheme the Commissioners shall provide for the protection of the interests of the ministers who at the passing of this Act are entitled to augmentations of stipend under the Teinds Act, 1810, and the Teinds Act, 1824, or to stipend under the Act 5 Geo. 4. c. 90, and the right in name of Ann of the widow or other representatives of any such minister, and for that purpose the Commissioners shall have regard to the provisions of the aforesaid Acts, notwithstanding any repeal of those provisions under this Act.

50 Geo. 3. c. 84.
5 Geo. 4. c. 72.

(3) Pending the making by the Commissioners of an Order giving effect to a scheme under this section, the General Trustees may, out of the annual sums or the income from any capital sum or sums aforesaid, pay to any minister or assistant and successor, or widow or other representative of a deceased minister, or to the Collector of the Church of Scotland Ministers' and Scottish Universities' Professors' Widows' Fund, as the case may be, such half-yearly sum or sums, as in the judgment of the General Trustees, would have been payable under the aforesaid Acts to such minister or assistant and successor, or widow or other representative, or Collector if this Act had not been passed.

Redemption of manse maill, &c.

40.—(1) Where in any parish manse maill is at the passing of this Act payable in lieu of a manse the heritors legally liable in payment thereof shall redeem the manse

maill by payment to the General Trustees of a sum equal to the annual amount thereof multiplied by twenty, such redemption payment to be made within five years after the passing of this Act.

(2) Where a manse has been sold and the price invested and the income from the investments representing the price paid to the minister, those investments shall within five years after the passing of this Act be transferred to the General Trustees, and on the completion of the transfer any liability of the heritors in respect thereof shall cease.

Provisions relating to Court of Teinds. 31 & 32 Vict. c. 100.

41. Notwithstanding anything in the Court of Session (Scotland) Act, 1868, the Court of Teinds may meet at such hours as may be convenient on such days as the Court of Session may by Act of Sederunt prescribe, and section one hundred and six of the said Act of 1868 (which relates to Acts of Sederunt) shall, for the purposes of Acts of Sederunt relating to the Court of Teinds, have effect as if references to that Act in the said section included references to this Act.

Application to Crown lands.

42. This Act shall be binding on the Crown and the provisions of this Act shall apply to lands vested in His Majesty in right of the Crown, and to lands vested in any Government Department for public purposes, and to the teinds of any lands so vested in His Majesty or in any Government Department.

Provisions with respect to certain registration districts.

43. Where under the provisions of the Births, Deaths and Marriages (Scotland) Acts, 1854 to 1910, the powers and duties by those Acts conferred and imposed on parish councils belong to and are discharged by the heritors, it shall be lawful for the sheriff, upon the application of the parish council of any parish wholly or partly comprised in the registration district, or upon the application of the Registrar-General of Births, Deaths and Marriages in Scotland, to regulate and determine all questions as to the right to elect a registrar for the registration district, and all questions as to the assessments to be levied for registration purposes within the district; and it shall also be lawful for the sheriff to regulate and determine all questions as to such right of election and such assessments in any case where two or more parishes or portions of parishes may hereafter be united into one

registration district; and any decision of the sheriff under this section shall be final and not subject to review.

Provisions for preservation of heritors' records.

44. Whereas in consequence of the transfers of rights of property and the transfer or termination of obligations in connection therewith effected or to be effected by or under or in pursuance of this Act, the powers and duties of heritors (including the power and duty to impose and levy heritors' assessments) will in due course be extinguished, it shall be the duty of the clerk to the heritors of any parish where such extinction has been effected to make intimation thereof in writing to the Secretary for Scotland, who may by order under his hand give such direction as he may think necessary or proper with respect to the preservation and permanent custody of the books of the heritors or any records or documents in their possession as heritors or in the possession of their clerk.

Saving for obligations of relief.

45. Nothing in this Act shall prejudice or affect any obligation to relieve the heritor of any lands from liability in respect of any stipend or augmentation thereof exigible from the teinds of such lands, and any such obligation shall extend to relief from liability in respect of any standard charge over those lands or in respect of any payments under the section of this Act relating to provisions where stipend does not exceed one pound.

Saving for superiors.

46. Nothing in this Act shall affect or be deemed to affect the rights of superiors of the sites of the churches mentioned in the Ninth Schedule to this Act, where the superiorities are not held by or on behalf of town councils, to payment of their feu duties from the parties in whom the dominium utile of the said sites is vested by this Act or otherwise, and to all other rights and privileges vested in such superiors prior to the passing of this Act.

Interpretation.

47.—(1) In this Act, unless the context otherwise requires—

"The Church" means the Church of Scotland;

"The General Assembly" means the General Assembly of the Church;

"The General Trustees" means the Church of Scotland General Trustees incorporated by the Church of Scotland (General Trustees) Order, 1921;

"The Commissioners" means the Scottish Ecclesiastical Commissioners to be appointed under this Act;

"Minister" means a minister of the Church;

"Stipend" means the stipend of a minister, including any allowance for communion elements payable by heritors out of teinds;

"Glebe" means the lands appropriated to a minister as his glebe, and shall be deemed to include grass glebe or minister's grass, servitudes, right of pasturage, or other heritable rights belonging to the minister and forming part of the benefice, or any money payments in use to be made to the minister in respect of the said rights or any of them, and any land settled in perpetuity on the minister for the time being;

"Court of Teinds" has the same meaning as in the United Parishes (Scotland) Act, 1876;

"Manse" and "Lord Ordinary" have the same meanings as in the Ecclesiastical Buildings and Glebes (Scotland) Act, 1868.

(2) For the purposes of this Act the surrendered teinds of any lands payable as stipend shall be deemed to be stipend exigible from the teinds of those lands.

(3) The reference to "teinds" in section fifty-nine of the Improvement of Land Act, 1864, shall be construed so as to include standard charges. 27 & 28 Vict. c. 114.

48. The enactments specified in the Twelfth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and so much of any Act as is inconsistent with this Act is also hereby repealed. Repeal.

49. This Act may be cited as the Church of Scotland (Property and Endowments) Act, 1925. Short title.

Section 2.

SCHEDULES.

FIRST SCHEDULE.

TABLE A.—FIARS PRICES FOR THE COUNTIES OF SCOTLAND.

Average 1873 *to* 1922 *inclusive.—Showing the value of One Boll of Meal and One Boll of Barley in each county according to these prices, and the average value of the Double Boll of Meal and Barley, and the average value of the Chalder in each county.*

County.	Meal. Average Value of 1 Boll for crops and years 1873–1922.			Barley. Average Value of 1 Boll for crops and years 1873–1922.			Value of the Double Boll of Meal and Barley.			Value of 1 Chalder calculated to nearest Penny.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
1. Aberdeen -	0	16	11 9/12	1	3	5 9/12	2	0	5 6/12	16	3	8
2. Argyll - -	1	0	5 8/12	1	3	6	2	3	11 8/12	17	11	9
3. Ayr - -	0	18	6 9/12	1	5	0 8/12	2	3	7 5/12	17	8	11
4. Banff - -	0	16	11 3/12	1	4	7	2	1	6 3/12	16	12	2
5. Berwick -	1	0	1 1/12	1	4	11 4/12	2	5	0 5/12	18	0	3
6. Bute - -	0	19	6 11/12	1	3	11 10/12	2	3	6 9/12	17	8	6
7. Caithness -	0	17	2 9/12	1	0	5 9/12	1	17	7 11/12	15	1	3
8. Clackmannan	0	18	9 7/12	1	4	0 2/12	2	2	9 9/12	17	2	6
9. Dumbarton -	1	0	6	1	3	1 4/12	2	3	7 4/12	17	8	11
10. Dumfries -	0	18	3 7/12	1	4	8 11/12	2	3	0 8/12	17	4	4
11. Edinburgh or Mid Lothian	0	19	0 3/12	1	5	4	2	4	4 3/12	17	14	10
12. Elgin or Moray	0	17	7 6/12	1	5	1 4/12	2	2	8 10/12	17	1	11
13. Fife - -	0	19	3 6/12	1	4	0 3/12	2	3	3 9/12	17	6	6
14. Forfar - -	0	18	10	1	2	4 4/12	2	1	2 4/12	16	9	7
15. Haddington or East Lothian	1	0	3 3/12	1	8	3 4/12	2	8	6 7/12	19	8	5
16. Inverness -	0	18	5 2/12	1	5	0 6/12	2	3	5 8/12	17	7	9
17. Kincardine -	0	17	10 3/12	1	2	1 3/12	1	19	11 6/12	15	19	8
18. Kinross -	0	19	5 8/12	1	2	6 5/12	2	2	0 1/12	16	16	1
19. Kirkcudbright	0	17	10 4/12	1	4	6 5/12	2	2	4 9/12	16	19	2
20. Lanark -	1	0	4 9/12	1	4	11	2	5	3 9/12	18	2	6
21. Linlithgow or West Lothian	0	19	7 9/12	1	4	7 6/12	2	4	3 3/12	17	14	2
22. Nairn - -	0	18	9 5/12	1	5	2 3/12	2	3	11 8/12	17	11	9
23. Orkney -	0	15	2 3/12	0	16	7 9/12	1	11	10	12	14	8
24. Peebles -	1	1	3 8/12	1	5	4 9/12	2	6	8 5/12	18	13	7
25. Perth - -	0	19	5 2/12	1	3	6 10/12	2	3	0	17	4	0
26. Renfrew -	0	19	9 7/12	1	4	11 8/12	2	4	9 3/12	17	18	2
27. Ross and Cromarty -	0	18	3 3/12	1	4	5 5/12	2	2	8 8/12	17	1	9
28. Roxburgh -	0	19	8 10/12	1	4	7	2	4	3 10/12	17	14	7
29. Selkirk -	0	19	0 6/12	1	4	2 8/12	2	3	3 2/12	17	6	1
30. Stirling -	1	0	0 4/12	1	4	1 9/12	2	4	2 1/12	17	13	5
31. Sutherland -	0	19	2 3/12	1	4	1 5/12	2	3	3 8/12	17	6	5
32. Wigtown -	0	17	3 5/12	1	3	6 7/12	2	0	10	16	6	8

TABLE B.—FIARS PRICES FOR THE COUNTIES OF SCOTLAND. 1ST SCH. —*cont.*

Average 1873–1922 *inclusive.—Showing the Value of one quarter of Wheat, Oats, Bear and Barley in each County according to an average of the fiars prices struck for the* 50 *years* 1873–1922.

County.	Wheat per Quarter.			Oats per Quarter.			Bear per Quarter.			Barley per Quarter.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
1. Aberdeen -	1	18	1 5/12	1	2	1 10/12	1	3	11	1	12	2 11/12
2. Argyll - -	2	1	2 4/12	1	4	1 9/12	1	11	1 6/12	1	12	3 3/12
3. Ayr - -	1	16	11 4/12	1	2	0 5/12	1	5	7	1	14	4 1/12
4. Banff - -	1	18	8 8/12	1	2	10 9/12	1	9	1	1	13	9 3/12
5. Berwick -	1	19	7 10/12	1	5	8 8/12		—		1	14	3 1/12
6. Bute - -	2	3	1 8/12	1	4	0 3/12	1	8	9 11/12	1	12	11 4/12
7. Caithness -		—		1	0	3 3/12	1	6	5 5/12	1	8	0 9/12
8. Clackmannan	1	15	10 5/12	1	4	1 3/12		—		1	12	11 10/12
9. Dumbarton -	1	16	1 3/12	1	3	9 11/12	1	8	11 8/12	1	11	8 1/12
10. Dumfries -	1	19	3 5/12	1	3	6 8/12		—		1	13	11 9/12
11. Edinburgh or Mid Lothian	1	17	10 5/12	1	5	3 7/12		—		1	14	9 5/12
12. Elgin or Moray	1	17	7 9/12	1	2	9 11/12		—		1	14	5 10/12
13. Fife - -	1	15	10 8/12	1	2	11 5/12	1	3	11 3/12	1	12	11 11/12
14. Forfar - -	1	15	8 6/12	1	2	10	1	4	6 9/12	1	10	8 7/12
15. Haddington or East Lothian	2	1	9 8/12	1	8	7 6/12		—		1	18	10
16. Inverness -	2	1	2	1	2	11 11/12	1	12	2 8/12	1	14	4 9/12
17. Kincardine -	1	15	11 7/12	1	2	3 10/12	1	3	7 5/12	1	10	4 3/12
18. Kinross -	2	1	0 3/12	1	2	11 1/12		—		1	10	11 6/12
19. Kirkcudbright	1	17	4 9/12	1	2	7 1/12		—		1	13	8 4/12
20. Lanark -	1	17	1 3/12	1	3	8 3/12		—		1	14	2 8/12
21. Linlithgow or West Lothian	1	17	4 1/12	1	4	2 6/12		—		1	13	9 11/12
22. Nairn - -	1	19	7 11/12	1	2	10 5/12		—		1	14	7 2/12
23. Orkney -		—			—		1	2	10 3/12	1	2	10 3/12
24. Peebles -	2	0	0	1	5	2 3/12		—		1	14	10 7/12
25. Perth - -	1	17	3 3/12	1	3	8		—		1	12	4 5/12
26. Renfrew -	1	17	0 7/12	1	3	10 11/12		—		1	14	3 7/12
27. Ross and Cromarty -	1	19	1 6/12	1	3	3 7/12		—		1	13	6 1/12
28. Roxburgh -	1	18	5 2/12	1	4	10 3/12		—		1	13	9 2/12
29. Selkirk - -	2	13	5 3/12	1	4	5 10/12		—		1	13	3 2/12
30. Stirling -	1	17	2 9/12	1	3	10 8/12		—		1	13	1 10/12
31. Sutherland -	2	0	0 1/12	1	3	6 10/12	1	1	3 1/12	1	13	1 5/12
32. Wigtown -	1	16	3 8/12	1	1	6 7/12	1	8	3 7/12	1	12	4 7/12

Section 2.

SECOND SCHEDULE.

PROVISIONS RELATING TO THE COUNTY AVERAGE VALUE OF KINDS OF VICTUAL NOT MENTIONED IN THE FIRST SCHEDULE.

A.—WHERE THE VALUE OF THE KIND OF VICTUAL IS GIVEN IN THE OFFICIAL RETURNS OF FIARS PRICES.

1. The minister of a parish, the whole or part of whose victual stipend has been localled in any kind of victual not mentioned in the First Schedule to this Act or the clerk of the presbytery where the benefice is vacant or any heritor concerned, may apply to the Clerk of Teinds to fix the former county average value (in this Schedule referred to as the "average value") of such kind of victual. In any such application by the minister or the clerk of the presbytery the applicant shall give the names of the heritors on whose lands the whole or part of such stipend has been so localled.

2. Thereafter the average value of the kind of victual in question for the fifty years one thousand eight hundred and seventy-three to one thousand nine hundred and twenty-two shall be fixed by the Clerk of Teinds by reference to the official returns of fiars prices for the county in which the parish is situated or where no value for that kind of victual is given in those returns then by reference to the official returns of fiars prices for such other county or counties as the Clerk of Teinds may select as being most suitable in the circumstances of the case.

3. The average value as so fixed shall be intimated by the Clerk of Teinds to the minister or the clerk of the presbytery where the benefice is vacant and to the common agent of the heritors, and the Clerk of Teinds shall at the same time enter the said value in a book to be kept by him in the Teind Office for the purpose, the said book being available for inspection by any member of the public at the Teind Office during the official hours of opening thereof.

B.—WHERE THE VALUE OF THE KIND OF VICTUAL IS NOT GIVEN IN THE OFFICIAL RETURNS OF FIARS PRICES.

1. The minister of a parish the whole or part of whose victual stipend has been localled in any kind of victual not mentioned in the First Schedule to this Act or the clerk of the presbytery where the benefice is vacant or any heritor concerned may apply to the sheriff to fix the average value thereof.

2. The sheriff after intimation of any such application to such persons as he may appoint and after such inquiry as he thinks fit shall fix the said average value. 2ND SCH. —*cont.*

3. The said average value as so fixed shall be intimated by the sheriff to the Clerk of Teinds who shall enter the value in the book mentioned in paragraph 3 of Head A of this Schedule which shall be open for inspection as therein mentioned.

THIRD SCHEDULE.

Section 4.

FORM OF INTIMATION OF ELECTION THAT STIPEND SHALL BE STANDARDISED.

Date.

I, ...Minister (*or as the case may be*) of the Parish of..... in the Presbytery of ..... hereby intimate that I elect that the stipend to which the Minister of the said Parish is entitled shall be standardised in accordance with the provisions of the Church of Scotland (Property and Endowments) Act, 1925.

FOURTH SCHEDULE.

Section 10.

PROVISIONS RELATING TO AUGMENTATION OF STIPEND.

1. In ascertaining the amount of the available teinds the victual teind and stipend shall be converted according to the average of the fiars prices for the five years preceding the year in which an application is made:

Provided that—

(*a*) if in the case of victual teind that average is less than the value as determined in accordance with paragraph 3 of the Fifth Schedule to this Act, the victual teind shall be converted in accordance with that paragraph; and

(*b*) if in the case of victual stipend that average is less than the standard value, the victual stipend shall be converted according to the standard value.

2. Any application to the Lord Ordinary, and the localling of any augmentation, and any decree of locality following thereon shall, subject to the provisions of this Act, be made and dealt with in such manner as the Court of Session by Act of Sederunt may prescribe.

Section 11.

FIFTH SCHEDULE.

PROVISIONS RELATING TO THE PREPARATION, ISSUING, AND ADJUSTMENT OF TEIND ROLLS.

1. Where a benefice is actually vacant at the passing of this Act or where, after the passing of this Act, a benefice becomes actually vacant or is deemed to have become vacant by election or notification the clerk of the presbytery shall forthwith intimate the vacancy to the Clerk of Teinds, who shall communicate the intimation to any titular who has previously notified the Clerk of Teinds in writing that he desires to receive such intimation.

2. Where a benefice is actually vacant at the passing of this Act or where, after the passing of this Act, the benefice becomes actually vacant or is deemed to have become vacant by election or notification it shall be the duty of the heritors concerned forthwith to prepare and lodge in the Teind Office a state of teinds unless in any case the Lord Ordinary shall on the application of any party dispense therewith.

3. For the purposes of the teind rolls the value in sterling money of teind valued in victual shall be determined:—

(*a*) Where a basis of conversion has been specified in the decree of valuation by reference to that basis; and

(*b*) In any other case by reference to the former county average value within the meaning of section two of this Act.

4. Effect shall be given in the teind roll by the Clerk of Teinds to any augmentation of stipend or to any reduction of stipend following upon a surrender of teinds, made in accordance with the provisions of the Sixth Schedule to this Act. The Clerk of Teinds may also give effect in a teind roll to an extra-judicial surrender made before the passing of this Act on intimation from or on behalf of the heritor concerned that such a surrender has been made and on production to him of evidence thereof.

5. Where a heritor is entered in the teind roll separately for different subjects belonging to him in the same parish for teinds of the same class only, he shall be entitled to have the said entries or some of them consolidated into one entry, and on receiving from the heritor an application to that effect before the teind roll is made final, the Clerk of Teinds shall give effect thereto.

6. Where stipend is payable to the minister of one parish from the teinds of lands situated in another parish the Clerk of Teinds shall in the teind roll of the parish where stipend is so payable specify the value of the stipend so payable, and in the teind roll of the parish wherein the lands are situated the teinds

of those lands shall be stated under deduction of any stipend payable as aforesaid. 5TH SCH. —*cont.*

7. Where the Clerk of Teinds has prepared a teind roll for any parish he shall report the same to the Lord Ordinary who shall take the roll into consideration and make such order as he thinks fit with respect to the intimation of the roll (including where necessary an order for the appointment of a common agent by the heritors concerned) and with respect to the subsequent adjustment and completion of the roll. The date of the Lord Ordinary's interlocutor ordering intimation of the teind roll is hereinafter in this Act referred to as the " date of issue of the teind roll."

8. Subject to the provisions of this Act relating to valuation and surrender of teinds no objection to a teind roll shall be competent unless the same is lodged with the Clerk of Teinds before the expiry of eighteen months after the date of issue of the teind roll and so soon as any such objection and any application for the valuation of teinds has been disposed of and any surrender of teinds has received effect and any necessary adjustment of the teind roll has been made, the Lord Ordinary shall by interlocutor declare the roll to be final. As on and from the date of such interlocutor the roll shall for the purposes of this Act be final, subject to such alterations and adjustments as may be necessary in consequence of changes of ownership or in consequence of redemption.

9. The Court of Session shall make by Act of Sederunt such rules and regulations as may in their judgment from time to time be necessary with respect to the preparation, reporting, adjustment, disposal and custody of the teind roll.

10. Nothing in this Act shall affect the right of the titular to lodge a state of teinds should he elect to do so, provided that the expense of the preparation of the said state by the titular shall be payable by the titular.

SIXTH SCHEDULE.

Section 16.

PROVISIONS RELATING TO THE VALUATION OF TEINDS AND THE SURRENDER OF VALUED TEINDS.

1. Any heritor whose teinds in any parish are wholly or partly unvalued, or the titular of any such teinds, or any minister whose stipend is wholly or partly exigible from unvalued teinds or where the benefice is vacant the General Trustees may at any time not later than the expiry of twelve months after the date of issue of the teind roll for the parish apply to the sheriff to appoint a valuer for the purpose of fixing the annual agricultural value

6TH SCH. —*cont.*

of the lands the teinds of which have not been valued, and in estimating that value the valuer (who shall be appointed by the sheriff at his own hand) shall have regard to the following directions, that is to say: Where the lands are bonâ fide let for a term of years, the rent payable under the lease (so far as it represents agricultural rental) and where the lands are not so let the agricultural rent at which the lands might, in the opinion of the valuer, be reasonably expected to be let shall be deemed to be the annual agricultural value:

Provided that in either case there shall be deducted from the rent—

(*a*) interest on expenditure by the heritor or his predecessors, upon permanent improvements within twenty years prior to the date of valuation, where such expenditure is shown to the satisfaction of the valuer to have increased the annual agricultural letting value of the land; and

(*b*) interest on any other improvement expenditure made by the heritor or his predecessors which, in the opinion of the valuer, has increased such letting value as at the date of valuation.

2.—(*a*) Any heritor or titular who applies to the sheriff as aforesaid shall so soon as the appointment of a valuer has been made give written notice thereof to the minister of the parish in which the lands are situate, or if the benefice is vacant to the General Trustees, and any minister or the General Trustees so applying shall in like manner give notice to the heritor of the lands.

(*b*) The minister, or the General Trustees or the heritor, as the case may be, receiving such notice may within fifteen days after the date of the notice intimate in writing to the valuer that he or they desires or desire to be heard.

3. The valuer shall after such inquiry as he may think necessary, including the hearing of the parties where a desire to be heard has been intimated as aforesaid, issue a certificate of valuation showing the annual agricultural value of the lands.

4. The provisions set out in the Second Schedule to the Agricultural Holdings (Scotland) Act, 1923, relating to the removal of arbiter, evidence, statement of case and expenses shall, with the necessary modifications, apply to any inquiry by a valuer appointed by the sheriff under this Schedule. The Court of Session shall from time to time by Act of Sederunt make such regulations as they may think necessary for regulating the fees of valuers so appointed.

5.—(*a*) Where the annual agricultural value of the lands, as shown by the certificate issued by the valuer, does not exceed fifty pounds the certificate shall be final. Where the said value exceeds fifty pounds—

(i) The applicant for the appointment of the valuer, or the heritor, or the minister, or the General Trustees, as the

6TH SCH.—*cont.*

case may be, interested in the valuation, if not satisfied with the said valuation, may within fifteen days after the issue of the certificate by the valuer, appeal to the Lord Ordinary, who after such inquiry as he thinks necessary (including if the Lord Ordinary so directs, a remit to a skilled valuer) may either approve or modify the certificate, and the certificate so approved or modified shall thereupon become final. In estimating the annual agricultural value of the land the Lord Ordinary shall have regard to the provisions in that behalf contained in paragraph 1 of this Schedule, which for this purpose shall apply with the substitution of the Lord Ordinary for the valuer.

(ii) If no such appeal has been intimated before the expiry of fifteen days from the issue of the certificate by the valuer, the certificate shall upon such expiry become final.

6.—(*a*) Where the annual agricultural value of the lands as shown in the certificate issued by the valuer does not exceed fifty pounds the applicant for the appointment of the valuer shall within ten days after the issue of the certificate lodge the same at the Teind Office for registration.

(*b*) Where the said value exceeds fifty pounds the certificate issued by the valuer shall be so lodged within ten days of the date when the same becomes final—

(i) by the applicant if the certificate has not been modified by the Lord Ordinary; and

(ii) by the appellant if the certificate has been so modified.

(*c*) When a certificate has been lodged as aforesaid the Clerk of Teinds shall issue a certificate of the amount of the valued teind and such certificate shall be recorded in the Teind Office, and when so recorded shall be evidence of the valuation to the same effect as an extract decree of valuation of the Court of Teinds issued in accordance with the present practice.

7.—(*a*) Any heritor or titular whose teinds have been valued either in accordance with the present practice or in accordance with the provisions of this Schedule, and whether there is or is not a depending process of locality may, so soon as the decree of valuation has been extracted or the certificate of the amount of the valued teinds has been recorded, as the case may be, and within the period hereinafter limited in that behalf, surrender the amount of such valued teind to the minister or the General Trustees, as the case may be. Such surrender shall be as nearly as may be in the form presently in use in the Court of Teinds, and if there is a process of locality pending may be embodied in a minute of surrender lodged in that process, and if there is no depending process of locality the surrender may be signed by the heritor or his agent or the titular or his agent (as the case

6TH SCH. —*cont.*

may be) and lodged at the Teind Office. Any heritor whose teinds have been valued in accordance with the present practice may exercise the powers of this paragraph, notwithstanding that such valuation comprises the teinds of a heritor other than the heritor named in the surrender, but only where there has been an agreement between the parties interested with respect to the division of the cumulo valuation.

(*b*) Surrender of valued teinds shall not be competent unless the minute of surrender is lodged in a process of locality or the surrender is lodged at the Teind Office as aforesaid before the date hereinafter mentioned (that is to say) :—

(i) In cases where the teinds are valued before the date of issue of the teind roll for the parish in which the lands are situate, before the expiry of six months after the date of the said issue; and

(ii) In cases where the teinds are valued after the date of issue of the teind roll for the parish in which the lands are situate, before the expiry of two months after the issue by the Clerk of Teinds of a certificate of the amount of the valued teinds; and

(iii) In cases where the value of teinds specified in the teind roll for the parish in which the lands are situate is deemed to be accepted by acquiescence as hereinbefore in this Act provided, before the expiry of fifteen months after the date of issue of the teind roll for that parish.

(*c*) The heritor or the titular shall at the same time as the minute of surrender or the surrender, as the case may be, is lodged as aforesaid send a copy thereof to the minister of the parish, or if the benefice is vacant to the General Trustees, and the Clerk of Teinds shall, as soon as may be after the lodging of the minute or of the surrender, examine the state of the teinds in the parish and calculate what deficiency of stipend (if any) would ensue if the surrender took effect, and shall notify the result of his examination and calculation to the minister or to the General Trustees, as the case may be. Within twenty-one days after the date of such notification the minister or the General Trustees, as the case may be, may lodge objections to the surrender, which shall be finally disposed of by the Lord Ordinary; but if no such objection shall be so lodged the surrender shall have effect at the expiry of the said period of twenty-one days.

(*d*) It shall not be a valid objection to a surrender made under the provisions of this Schedule that the decree of locality on which the stipend has been paid up to the date of the surrender has not been made final.

8. Where a surrender made under the provisions of this Schedule has become effectual, whether no objection has been lodged or any objection lodged has been disposed of, and a deficiency of stipend amounting to not less than ten pounds per

6TH SCH. —*cont.*

annum is caused thereby, the minister of the parish, or if the benefice is vacant the General Trustees may within thirty days after the date when the surrender has become effectual, intimate in writing to the Clerk of Teinds that he or they claims or claim that the deficiency of stipend shall be re-allocated among those heritors in the parish (if any) who have unexhausted teinds not yet allocated for stipend. The Clerk of Teinds on receiving intimation of the claim shall notify the same to the common agent of the heritors, and if any heritor within thirty days after the date of such notification lodges with the Clerk of Teinds a written objection to the claim the matter shall be finally disposed of by the Lord Ordinary. But if no such objection be lodged, the re-allocation shall be made by the Clerk of Teinds, who shall issue to the minister or to the General Trustees, as the case may be, a certificate specifying the amounts of stipend payable by the heritors whose teinds are affected by the re-allocation.

9. Any calculation as to the amount of any deficiency of stipend caused by a surrender in accordance with the provisions of this Schedule or as to the amounts of unexhausted teinds available to meet such deficiency shall be made—

(*a*) so far as the stipend is concerned, on the basis of the standard value thereof; and

(*b*) so far as the value of the teind is concerned, in accordance with paragraph 3 of the Fifth Schedule to this Act.

10. A heritor may have his unvalued teinds valued or surrender valued teinds in accordance with the provisions of this Schedule, whether he has or has not a heritable right to such teinds:

Provided that—

(*a*) Where the heritor proposes to have valued or to surrender any teinds to which he has no heritable right, he shall at the time when he gives notice of the appointment of a valuer or lodges a minute of surrender or a surrender as aforesaid intimate the appointment or the surrender in writing to the titular of the teinds who shall have the same rights of objection and appeal as are by the provisions of this Schedule conferred upon the minister of the parish or the General Trustees;

(*b*) When a heritor receives from a minister or the General Trustees notice of the appointment of a valuer with respect to lands to the teinds of which he has no heritable right, he shall forthwith intimate the appointment in writing to the titular of the teinds, who shall in such case have the same rights of objection and appeal as are by the provisions of this Schedule conferred upon the heritor.

Sections 19 and 39.

SEVENTH SCHEDULE.

PAYMENTS OUT OF THE CONSOLIDATED FUND.

(1) The annual sum of 12,000*l.* on account of augmentations of stipends chargeable on and payable out of the Consolidated Fund of the United Kingdom, under the Teinds Act, 1810, and the Teinds Act, 1824.

(2) The annual sum of 5,040*l.* on account of stipends, chargeable and payable, as aforesaid, under the Act 5 George IV. chapter 90.

(3) The annual sum of 2,000*l.* chargeable and payable as aforesaid to the General Assembly for itinerant preachers.

(4) The annual sum of 1,100*l.* chargeable and payable as aforesaid towards the expenses of the General Assembly.

(5) The annual sum of 86*l.* 3*s.* 1*d.* land revenue allowances, chargeable and payable as aforesaid to certain precentors and ministers.

(6) The annual payment under Royal Warrant to the minister of Dunkeld and Dowally of an amount fixed by reference to Fiars Prices, chargeable and payable as aforesaid.

Sections 21 and 24.

EIGHTH SCHEDULE.

LIST OF CERTAIN PARISHES QUOAD OMNIA ERECTED UNDER THE NEW PARISHES (SCOTLAND) ACT, 1844.

PARISH.	DATE OF ELECTION.
North Bute	26th June 1844.
Shettleston	30th June 1847.
Calton	11th July 1849.
Teviothead	20th February 1850.
Maryhill	10th July 1850.
Kirkhope	25th June 1851.
Springburn	14th June 1854.
Ardoch	21st February 1855.
Colonsay	27th February 1861.
Coll	15th March 1865.

NINTH SCHEDULE.

Sections 22 and 46.

LIST OF BURGH CHURCHES.

1. East Kirk, Aberdeen.
2. Greyfriars, Aberdeen. Manse.
3. North Kirk, Aberdeen.
4. South Kirk, Aberdeen.
5. St. Clement's, Aberdeen. Manse.
6. West Kirk, Aberdeen. Manse.
7. Greyfriars, Dumfries.
8. St. Clement's, Dundee.
9. St. David's, Dundee. Manse.
10. St. John's, Dundee.
11. St. Paul's, Dundee. Manse.
12. Canongate, Edinburgh.
13. Greenside, Edinburgh. Manse.
14. Greyfriars New, Edinburgh.
15. Greyfriars Old, Edinburgh.
16. High Kirk (St. Giles'), Edinburgh.
17. Lady Yester's, Edinburgh.
18. New North (West St. Giles'), Edinburgh. Manse.
19. St. Andrew's, Edinburgh.
20. St. George's, Edinburgh.
21. St. John's, Edinburgh.
22. St. Mary's, Edinburgh.
23. St. Stephen's, Edinburgh. Manse.
24. Trinity College, Edinburgh.
25. Tron, Edinburgh.
26. College or Blackfriars, Glasgow. Manse.
27. St. Andrew's, Glasgow.
28. St. David's or Ramshorn, Glasgow. Manse.
29. St. George's, Glasgow. Manse.
30. St. James', Glasgow.
31. St. John's, Glasgow.
32. St. Paul's, Glasgow.
33. Tron, Glasgow.
34. East Kirk, Greenock.
35. Middle Kirk, Greenock. Manse.
36. High Kirk, Kilmarnock.
37. High, Paisley. Manse.
38. Laigh, Paisley. Manse.
39. Middle, Paisley. Manse.
40. St. John's, Perth. Manse.
41. St. Paul's, Perth.

9TH SCH. —*cont.*

42. St. Mark's, Perth. Manse.
43. Queensferry.
44. North, Stirling.
45. West, Stirling.

Section 23.

TENTH SCHEDULE.

LIST OF PARLIAMENTARY CHURCHES AND MANSES.

Name of Place.	Parish or Island.	County.
1. Loch-Gilphead	Glassary	Argyll.
2. Muckairn (manse only)	Muckairn	do.
3. Duror	Appin	do.
4. Kilmeny (manse only)	Islay Island	do.
5. Portnahaven	do.	do.
6. Oe or Oth	do.	do.
7. Kinlochspelvie	Mull Island	do.
8. Salen (manse only)	do.	do.
9. Tobermory	do.	do.
10. Ulva	Ulva Isle	do.
11. Iona	Iona Isle	do.
12. Strontian	Ardnamurchan	do.
13. Acharacle	do.	do.
14. North-Ballachulish	Kilmallie	Inverness.
15. Ardgour (no manse)	do.	Argyll.
16. Rothiemurchus (manse only).	Rothiemurchus	Inverness.
17. Tomintoul	Kirkmichael	Banff.
18. Inch (manse only)	Kingussie	Inverness.
19. Steinsholl (in Trotternish).	Skye Island	do.
20. Halen (in Waternish)	do.	do.
21. Trumisgarry	N. Uist Isle	do.
22. Bernera Isle	Harris	do.
23. Plockton	Lochalsh	Ross and Cromarty.
24. Shieldaig	Applecross	do.
25. Carnoch, Strath-Conan	Contin	do.
26. Kinloch-Luichart	do.	do.
27. Poolewe	Gairloch	do.
28. Croich	Kincardine	do.
29. Ullapool	Loch-Broom	do.
30. Cross (Ness District)	Lewis Island	do.
31. Knock (Eye District)	do.	do.

10TH SCH. —*cont.*

Name of Place.	Parish or Island.	County.
32. Rhuistore	Assynt	Sutherland.
33. Kinloch-Bervie	Edrachilles	do.
34. Strathy	Farr	do.
35. Berriedale	Latheron	Caithness.
36. Keiss	Wick	do.
37. Deerness (manse only)	St. Andrew and Deerness.	Orkney and Shetland.
38. N. Ronaldshay (manse only).	Cross and Burness	do.
39. Sandwick (manse only)	Dunrossness	do.
40. Quarff	Quarff	do.
41. Interwick, or Innerwick (in Glenlyon).	Fortingall	Perth.
42. Rannoch	do.	do.
43. Kirktown of Foss	Dull	do.

ELEVENTH SCHEDULE.

Section 28.

CERTIFICATE OF SHERIFF UNDER THE CHURCH OF SCOTLAND (PROPERTY AND ENDOWMENTS) ACT, 1925.

County of

Parish of

I, , sheriff of

as authorised by the Church of Scotland (Property and Endowments) Act, 1925, hereby certify that all obligations incumbent on the heritors of the said parish, with respect to the subjects mentioned in the Schedule annexed hereto have been fulfilled.

[*Signature and date.*]

SCHEDULE.

Church or manse

(*Insert or refer to a description of the church, and the site thereof, or the manse (with pertinents, if any) and the site thereof, or both of the said subjects (as the case may be) to which the certificate relates.*)

Section 48.

TWELFTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
50 Geo. 3. c. 84.	The Teinds Act, 1810 -	The whole Act.
5 Geo. 4. c. 72	The Teinds Act, 1824 -	The whole Act.
5 Geo. 4. c. 90	An Act to amend an Act for building additional Places of Worship in the Highlands and Islands of Scotland.	Sections 13 and 14, so far as those sections relate to payment of stipend, sections 23 and 24.
8 & 9 Vict. c. 83.	The Poor Law (Scotland) Act, 1845.	Section 54, from "pro- " vided also" to the end of the section.
17 & 18 Vict. c. 80.	The Registration of Births, Deaths and Marriages (Scotland) Act, 1854.	Section 13.

Section 35.

THIRTEENTH SCHEDULE.

FORM OF MEMORANDUM OF ALLOCATION.

The proportion of the annual sum of £ created by (*particulars of deed*) allocated upon all and whole (*description of land*) is hereby fixed at £ (*and if an increase is payable, add*) with £ of increase making a total of £ per annum.

[*To be signed by minister or trustees under deed of constitution or the General Trustees, as the case may be, or by an agent on behalf of the minister or trustees or General Trustees, respectively.*]

CHAPTER 34.

An Act to amend the Law relating to the Occupation and Ownership of Land in Northern Ireland; and for other purposes relating thereto. [28th May 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

FINANCE.

Alteration of rate of purchase annuity, &c.

1.—(1) In the case of advances made in pursuance of purchase agreements entered into or deemed to be entered into after the passing of this Act (in this Act referred to as new purchase agreements):—

(*a*) Four pounds fifteen shillings shall be substituted for three pounds five shillings as the rate of the purchase annuity under section forty-five of the Irish Land Act, 1903 (in this Act referred to as the Act of 1903): 3 Edw. 7. c. 37.

(*b*) The rate of interest to be paid by the Land Purchase Commission, Northern Ireland (in this Act referred to as the Commission) to the National Debt Commissioners under section thirty-six of the Act of 1903, shall be four-and-a-half per cent. per annum instead of two-and-three-quarters per cent. per annum:

(*c*) Four-and-a-half per cent. per annum shall be substituted for three-and-a-half per cent. per annum as the rate of interest under subsection (2) of section eighteen and section twenty-four of the Act of 1903:

(*d*) Five shillings per cent. per annum shall be substituted for ten shillings per cent. per annum in sections thirty-six and forty-seven of the Act of 1903, as the rate of sinking fund payments:

Provided that purchase agreements entered into after the passing of this Act on the resale by the Commission of land purchased or agreed to be purchased by them before the passing of this Act shall be treated for the purposes of this Part of this Act as purchase agreements entered into before the passing of this Act, and not as new purchase agreements.

(2) The National Debt Commissioners shall in accounts kept by them of the Irish Land Purchase Fund distinguish between advances made in pursuance of purchase agreements entered into before the passing of this Act and of new purchase agreements.

Power to create guaranteed Four-and-a-half per cent. bonds.

2.—(1) The power of the Treasury to create stock for the purpose of raising money required for the Irish Land Purchase Fund (including the Land Purchase Aid Fund) shall include power to create and issue bonds to be called guaranteed four-and-a-half per cent. bonds of such denominations, not in any case less than five pounds, as the Treasury may determine, and redeemable in manner hereinafter provided.

(2) Interest on the bonds at the rate of four-and-a-half per cent. per annum shall be payable half yearly or quarterly on such days in each year as may be fixed by the warrant authorising the creation of the bonds, and the provisions of the Act of 1903 relating to stock (other than provisions as to the redemption of stock) shall, so far as they are applicable to bonds, and are not inconsistent with other provisions of this Act, apply to guaranteed four-and-a-half per cent. bonds created under this Act as they apply to the guaranteed two-and-three-quarters per cent. stock created under that Act with the substitution of interest at the rate of four-and-a-half per cent. for dividends at the rate of two-and-three-quarters per cent.

(3) The bonds shall be redeemable by means of periodical drawings, and the Treasury may make arrangements for the redemption thereof at par, and may make regulations for the drawing of such bonds, and for that purpose there shall be set aside yearly in the Irish Land Purchase Fund and applied by

the National Debt Commissioners for the redemption of bonds drawn for payment, a sum ascertained in accordance with the First Schedule to this Act: Provided that any such bonds may, after the expiration of thirty years from the passing of this Act, if not previously redeemed, be redeemed at par at such times and in such manner as the Treasury may direct.

(4) The definition of Government stock in subsection (2) of section five of the Savings Banks Act, 1893, shall be read as if bonds issued under this section were included in the First Schedule to the said Savings Banks Act, 1893. 56 & 57 Vict. c. 69.

Advances to be made in bonds.

3.—(1) Notwithstanding anything in section twenty-seven of the Act of 1903 the advances made in pursuance of new purchase agreements shall be made by means of an issue of guaranteed four-and-a-half per cent. bonds equal in nominal amount to the sum to be advanced: Provided that where the total amount to be advanced at any one time in respect of holdings or untenanted land the property of the same vendor is not five pounds or a multiple of five pounds such part of the total amount so advanced as represents a fraction of five pounds shall be paid in money.

(2) The last preceding subsection shall, notwithstanding anything in the Irish Land Act, 1909 (in this Act referred to as the Act of 1909), apply to advances made for the purpose of purchases in pursuance of final offers sent under section forty-three of the Act of 1909 after the passing of this Act. 9 Edw. 7. c. 42.

(3) Bonds issued in pursuance of this section as the equivalent of an advance shall, as between the vendor and the purchaser, be accepted by the vendor as the equivalent of the corresponding amount of purchase money, and any person having power to sell under the Land Purchase Acts, although he is not an absolute owner, may enter into a new purchase agreement, notwithstanding that the purchase money is to be paid in bonds in pursuance of this section instead of in cash.

(4) Where an advance is made by means of the issue of guaranteed four-and-a-half per cent. bonds, the sum to

be paid for the redemption of the whole or part of the purchase annuity payable in respect of the advance shall be the difference between the sinking fund deemed to have been accumulated in respect of the advance and the amount of the advance (with interest thereon to date) or the requisite proportion of that difference as the case requires, and such sum shall be determined in accordance with rules made by the Treasury. Any sums so paid shall be paid by the Commission into the Land Purchase Fund and shall be applied in accordance with the First Schedule to this Act.

Provisions as to bonus.

4. The percentage payable under section forty-eight of the Act of 1903 (in this Act referred to as the bonus), shall, in respect of new purchase agreements, be calculated in the manner and at the rates specified in the Second Schedule to this Act.

Amendment of financial provisions.

5. The liability of the Commission to make the annual payments mentioned in section thirty-six of the Act of 1903 in respect of advances for purposes in Northern Ireland shall cease to the extent to which the annual sum payable to the Land Purchase Fund in pursuance of subsection (2) of section twenty-six of the Government of Ireland Act, 1920, represents purchase annuities payable in respect of such advances, and the residue of such payments including payments in respect of losses, if any, on re-sales, shall, if and so far as the receipts of the Commission are insufficient, be discharged as part of the expenses of the Commission.

10 & 11 Geo. 5. c. 67.

Recovery of money, &c., paid in mistake.

6. Any moneys, bonds, stocks, or securities paid or distributed by the Commission to the wrong person, through a mistake of law or fact, shall be recoverable by the Commission as if they were debts due to the Crown.

Power to make rules.

7. The power of making rules conferred on the Treasury by the Land Purchase Acts shall extend to the making of rules for carrying the financial provisions of this Act into effect, and for adapting to the requirements of this Act such provisions of the Land Purchase Acts or any other enactment passed prior to this Act as relate to land purchase finance.

PART II.

AUTOMATIC SALE OF TENANTED LAND.

Vesting of unpurchased tenanted land in the Commission.

8.—(1) Subject to the provisions of this Act, and notwithstanding anything in section nine of the Act of 1903, all tenanted land in Northern Ireland shall on the appointed day, by virtue of this Part of this Act vest in the Commission in the like manner and with the like consequences as if vesting orders had been made on the appointed day in respect thereof under section sixteen of the Act of 1903, in pursuance of new purchase agreements for the purchase of the same at the standard price entered into on the appointed day by the Commission with persons having power to sell under the Land Purchase Acts.

(2) A purchase agreement deemed to have been entered into for the purposes of this section shall be deemed to have been entered into with the owner of the interest of the immediate landlord where that interest is sufficient to constitute the owner thereof a person having power to sell under the Land Purchase Acts, and, where that interest is not sufficient, to have been entered into with the owner of the interest of the next superior landlord whose interest is sufficient.

(3) This section shall not apply to—

(*a*) any land which has been purchased under the Land Purchase Acts or is on the appointed day the subject of an actual purchase agreement thereunder; or

(*b*) any holding which is not substantially agricultural or pastoral or partly agricultural and partly pastoral in character, or any holding the main object of the letting of which was for a residence; or

(*c*) any holding usually occupied by a person regularly employed on a demesne, home farm, park, garden, or pleasure ground belonging to the landlord; or

(*d*) any holding which possesses a substantial value or utility whether potential or actual as building ground or is a town park; or

(*e*) any land which is vested in or held in trust for His Majesty; or

(*f*) any land which is held, whether as landlords or tenants, by any Government Department, or by any local or public authority for the purposes of their powers and duties as such authority, or by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking.

Standard price.

9. The standard price of each holding which vests in the Commission by virtue of this Part of this Act shall be a capital sum of such amount that interest thereon at the rate of four and three-quarters per cent. per annum will be equal to the standard purchase annuity for the holding as ascertained in accordance with the Third Schedule to this Act.

Interest on bonus in respect of land so vested.

10.—(1) If the bonus payable in respect of a holding vested in the Commission by virtue of this Part of this Act is not paid within a period of one year from the gale day last preceding the appointed day, interest shall be payable thereon at the rate of four-and-a-half per cent. per annum from the expiration of that period up to the date of payment.

(2) Interest on the bonus shall be raised and provided in like manner as the bonus and shall be treated as part of the bonus and paid therewith.

Payment of interest and rent.

11.—(1) The rent due on the gale day last preceding the appointed day, together with any arrears of rent then due (other than arrears which accrued due on a gale day prior to the passing of this Act) may, if not paid on or before the appointed day be recovered after the appointed day by the person entitled thereto notwithstanding that the holding has vested in the Commission, but no arrears shall be paid out of the purchase money.

(2) Interest on the purchase money at the rate of four-and-a-half per cent. per annum shall be payable as

from the gale day last preceding the appointed day up to the date from which interest commences to accrue on the bonds representing the purchase money. Interest so payable shall be paid at such time or times as may be prescribed by rules under Part I. of this Act, and shall be treated as interest payable under subsection (2) of section eighteen of the Act of 1903. The bonds shall be placed to credit on such date as the Treasury may, by rules made under Part I. of this Act, prescribe; and that date shall be the date of the commencement of the purchase annuity, and the placing of the bonds to credit shall operate as an investment of the purchase money under section twenty-six of the Act of 1909 as from the date from which interest commences to accrue on the bonds.

Provisions as to resale of holdings vested in the Commission.

12.—(1) The Commission shall take steps to secure that every holding vested in them by virtue of this Part of this Act shall be vested in the tenant thereof as soon as possible after the appointed day, and for that purpose the tenant of each such holding shall be deemed on the appointed day to have entered into a new purchase agreement for the purchase of the holding from the Commission at the standard price, and the interest on the purchase money payable under section thirty-five of the Land Law (Ireland) Act, 1896, shall be at the rate of four and three-quarters per cent. per annum, and shall be payable as from the gale day last preceding the appointed day on such date or dates as may be prescribed by rules under Part I. of this Act. Provision shall be made out of such interest payments towards the sinking fund in respect of the advance to the tenant.

59 & 60 Vict. c. 47.

(2) Notwithstanding anything in the last preceding subsection, the Commission may, if it appears to them that the improvement or re-arrangement of any such holdings is essential and practicable, enter into and give effect to agreements with the tenants for the sale of the holdings as improved and re-arranged at such price and on such terms as may be agreed.

(3) The limitations on the amounts that may be advanced to tenants under the Land Purchase Acts shall not apply in the case of sales to tenants under this Part of this Act.

Provision for remission of half-year's rent.

13. For the purpose of providing for the remission to tenants of holdings vested in the Commission by virtue of this Part of this Act of one-half year's rent thereof the following provisions shall have effect:—

(*a*) Subject to the provisions of paragraph (*b*) of this section there shall, in accordance with rules made by the Treasury under Part I. of this Act, be deducted from the interest payable by the tenant under section thirty-five of the Land Law (Ireland) Act, 1896, such an amount as is equal to the half-year's rent due on the gale day last preceding the appointed day; and there shall be similarly deducted from the interest payable to the person to whom interest is payable under subsection (2) of section eighteen of the Act of 1903 a corresponding amount:

Provided that the Commission shall pay to such last-mentioned person, or as he may direct, one-half of the amount so deducted from the interest payable to him:

(*b*) Where it is shown to the satisfaction of the Commission that the tenant has not before the appointed day paid the half-year's rent due on the gale day last preceding the appointed day, then paragraph (*a*) shall not apply, but the said half-year's rent shall not be payable, and all liability for payment thereof by the tenant shall be extinguished, and there shall be paid by the Commission to the person who, but for this paragraph, would have been entitled to receive such rent an amount equal to one-half of the rent so remitted:

(*c*) Any payments made by the Commission under this section shall be treated as part of the expenses of the Commission.

Sub-tenants.

14.—(1) Where a holding of tenanted land, which is vested in the Commission by virtue of this Part of this Act, is sub-let, then for the purposes of the provisions of this Act, as to standard price and as to resales by the Commission, the following provisions shall have effect:—

(*a*) If the entire of the holding is in the occupation of a sub-tenant, the rent payable by the sub-

tenant shall be taken to be the rent payable in respect of the holding, and the sub-tenant shall be taken to be the tenant;

(*b*) If the entire of the holding is in the occupation of two or more sub-tenants, the portion in the occupation of each sub-tenant shall be treated as a separate holding held at the rent payable in respect of the sub-tenancy, and the sub-tenant shall be treated as the tenant thereof;

(*c*) If portion of the holding is in the occupation of the tenant and the remainder is in the occupation of one or more sub-tenants, the portion in the occupation of the tenant shall be treated as a separate holding held at such part of the rent payable in respect of the entire holding as may be apportioned thereto by the Commission, that part being treated as a first, second or third term judicial rent or a non-judicial rent according to the character of the rent payable in respect of the entire holding and the tenant shall be treated as tenant thereof, and so much of the remainder of the holding as is in the occupation of any sub-tenant shall be treated as a separate holding held at the rent payable in respect of the sub-tenancy, and the sub-tenant shall be treated as the tenant thereof;

(*d*) Where portion of a holding is sub-let and that portion is of such character that it ought not in the opinion of the Commission to be treated as a separate holding for the purposes aforesaid, the Commission may treat the holding as if the portion was not sub-let or in the occupation of the sub-tenant.

(2) For the purposes of this section subsections (2) and (3) of section fifteen of the Act of 1903 shall apply with the substitution of the Commission or vendor, as the case requires, for the owner of the estate.

Sporting rights.

15.—(1) With respect to any land vested in the Commission by virtue of this Part of this Act or any untenanted land purchased under section forty-three or Part IV. of the Act of 1909, the owner of the land may give notice within the prescribed time and in the prescribed manner that he desires that such rights as

are hereinafter mentioned which he has exclusive of the tenant should be reserved to him, and where such a notice is given there shall be reserved to the owner of the land, as if an agreement to that effect had been entered into under section thirteen of the Act of 1903—

(*a*) in the case of tenanted land, any right of fishing or taking fish; and

(*b*) in the case of untenanted land, both those rights and all other sporting rights.

(2) Subject as aforesaid the said section thirteen shall apply with respect to sporting rights affecting any such land as aforesaid.

Mineral rights.

16.—(1) Any rights to or in relation to mines or minerals on or under a holding which on a sale by agreement under the Land Purchase Acts would be reserved to the Commission pursuant to section thirteen of the Act of 1903, shall, subject to section ninety-nine of the said Act, and save as hereinafter provided, vest in the Commission on the vesting of the holding in them by virtue of this Part of this Act, and shall be reserved to the Commission on the resale of the holding without the necessity of any express reservation.

(2) If, on an application made by the owner within the prescribed time and in the prescribed manner, the Commission is satisfied that any such rights possess a substantial value, whether actual or potential, and that although they are not being exercised at the time of the application there is a reasonable prospect of mines or minerals to which they relate being worked or developed within twenty years thereafter, they may make an order directing that all or any of the rights as therein specified shall to the extent therein mentioned be excepted on the vesting of the holding in the Commission and they shall be so excepted accordingly, and shall not be affected by such vesting. If the Commission refuse to make an order under this section an appeal shall lie to the Court of Appeal in Northern Ireland, whose decision shall be final.

(3) Subsection (4) of section thirteen of the Act of 1903 shall apply as respects any rights excepted under this section in like manner as it applies as respects rights reserved under that section.

Ascertainment of land to be vested in Commission.

17.—(1) It shall be the duty of every person who is entitled to the rents and profits of any land or who receives such rents and profits on behalf of any other person, or who has in his possession or custody any deeds or other documents relating to such land, rents, or profits, if so required by the Commission, to furnish in writing to the Commission, such information, maps, particulars, and documents, with respect to the land in such form and verified in such manner and within such time as the Commission may by a general or special notice require.

(2) The Commission shall from time to time publish provisional lists of the land which will become vested in the Commission on the appointed day by virtue of this Part of this Act, together with notice of the manner in which and the time within which objections may be made to the list by reason of the inclusion or non-inclusion therein of any land, and shall publish such other notices as may be required by rules made under this Act.

(3) The Commission shall consider and adjudicate upon any objections duly made and an appeal shall lie from any decision of the Commission on such objection to the Court of Appeal in Northern Ireland, and the decision of the Court of Appeal shall be final.

(4) The Commission shall publish final lists of land with respect to which no objection has been made, and from time to time as and when objections to other lands have been finally settled, final lists giving effect to the results of the settlements. A final list when so published, whether before or after the appointed day, shall be conclusive evidence that the lands comprised therein will become or have become vested by virtue of this Part of this Act on the appointed day.

(5) The Commission shall have power to require any person paying rent to any other person to give such particulars with respect to the land as they may require.

(6) If any person fails to furnish any information, map, particular, or document, which he is required to furnish under this section or knowingly furnishes any information, map, particular, or document, which is false in any material particular, he shall on summary conviction be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, and where any information, map, particular, or document, required by this section to be given by or on behalf of a

person entitled to the rents and profits of any land is not given within the time required by the Commission no bonus or interest thereon shall be payable in respect of the land unless, or except to such extent as, the Commission consider that the failure ought to be excused.

(7) Any inspector or other person acting on behalf of the Commission, may after notice sent by post to the person who appears to be occupier of any land, enter upon the land and make all such enquiries as may be necessary to enable the Commission to ascertain the extent and character thereof, and such other particulars in relation thereto, as they may require for the purposes of this section.

(8) Where duties under this section are performed on behalf of the owner of any land by any land agent, solicitor, engineer, surveyor, valuer or land clerk nominated with the approval of the Commission he may be remunerated at a fixed amount or scale to be settled by the Commission with the assent of the Treasury, and such amount or percentage shall be paid out of the purchase money as part of the costs connected with the sale.

(9) Any notice or list required to be published under this section shall be published in the "Belfast Gazette" and in such other manner as the Commission consider best adapted for securing publicity.

Sub-division of holdings containing building ground.

18.—(1) Where an objection is made to any such provisional list as aforesaid by reason of the inclusion or non-inclusion in the list of a holding, then, if the Commission consider that the holding ought to be included in the list but for the fact that it possesses a substantial value or utility as building ground, and that that value or utility is attributable to a distinct and substantive part of the holding, the Commission may by order direct that the holding shall be sub-divided, and that that part of the holding and the remainder of the holding shall become separate holdings, and that the one shall not be and the other shall be included in the list, and may apportion between such separate holdings the rent payable in respect of the entire holding.

(2) The portion of the rent so apportioned to each part of the holding shall be treated as a first, second, or third-term judicial rent or as a non-judicial rent, according to the character of the rent payable in respect

of the entire holding, and each separate holding shall be held by the like tenure and upon the like terms and conditions as those by and upon which the entire holding was held, subject to such modifications and adjustments, if any, as may appear to the Commission to be necessary or proper.

(3) The powers of the Commission under the foregoing provisions of this section may be exercised by the Court of Appeal on an appeal from a decision of the Commission on any such objection to a provisional list, and the Court of Appeal may, where their decision necessitates an apportionment or an alteration of an apportionment made by the Commission, refer the case back to the Commission for the making of the apportionment required.

Persons under disability.

19. Every person who, for the purposes of this Act, is deemed to have entered into a purchase agreement shall be deemed to have been capable of entering into such an agreement notwithstanding infancy or lunacy, or any other disability to which he may have been subject.

Definition of tenanted land.

20. For the purposes of this Part of this Act the expression "tenanted land" means land held for a statutory term or under any contract of tenancy other than a fee farm grant, or lease for lives or years renewable for ever or lease for a term of years of which sixty or more are unexpired:

Provided that land which has become tenanted land as above defined by reason of a contract of tenancy entered into on or after the sixteenth day of December, nineteen hundred and twenty-four, shall be deemed not to be tenanted land for the purposes of this Part of this Act.

Purchase and resale of demesne, &c.

21. The Commission may declare any holdings which vest in the Commission by virtue of this Part of this Act fit to be regarded as a separate estate agreed to be sold to persons other than the Commission for the purposes of section three of the Act of 1903, which relates to advances to owners of estates.

Adaptation of land purchase enactments and re-

22.—(1) For the purpose of carrying this Part of this Act into effect the Secretary of State may by order make such adaptations as appear to him to be necessary or proper of any enactment relative to land

removal of difficulties.

purchase in force in Northern Ireland at the time of the passing of this Act, including such adaptations of enactments applicable to sales of estates as may be necessary to make the same applicable to sales of holdings.

(2) If any difficulty arises in determining the land which by virtue of this Part of this Act is vested in the Commission, or otherwise in carrying this Part of this Act into effect, the Secretary of State may, by Order, authorise the Commission to take all such steps and do all such things as may appear to him necessary or expedient for carrying this Part of this Act into full effect; and any such Order shall, subject to revocation or alteration by a subsequent Order, have effect as if enacted in this Act.

PART III.

GENERAL.

Abolition of power to fix judicial rents.

23.—(1) After the passing of this Act a judicial rent shall not be fixed under the Land Law (Ireland) Acts in respect of any holding, but nothing in this provision shall prevent the filing after the passing of this Act of agreements fixing fair rents entered into before the sixteenth day of December, nineteen hundred and twenty-four, or the operation of such agreements, when filed, or the making of rules in relation to such agreements, or the fixing of a fair rent after the passing of this Act in pursuance of an application made before the said date.

(2) Where a holding has been excluded from vesting in the Commission under Part II. of this Act by reason that it possesses a substantial value or utility (whether potential or actual) as building ground, and the holding is subject to a first-term judicial rent, the court shall have the like power of authorising the resumption thereof as if the holding had been subject to a second-term judicial rent:

Provided that nothing in this provision affects any power of obtaining possession of any holding held at a non-judicial rent.

54 & 55 Vict. c. 57.

(3) The Redemption of Rent (Ireland) Act, 1891, shall continue to have effect so as to enable proceedings to be taken for the redemption of the rent of any holding to which that Act applies, but no consent of the lessor or

grantor shall be required in order to enable such rent to be redeemed, and accordingly section one of that Act shall have effect—

(*a*) as if the words "if the lessor or grantor, as the "case may be, signifies his consent within the "prescribed time and in the prescribed manner, "including consent (where such consent is by "law required) to such sum being retained as "guarantee deposit as the Land Commission "may think necessary then" were omitted therefrom;

(*b*) as if for the provisions of that section commencing "Such consent by the lessor or "grantor," to the end of the section, there were substituted the following provision:—

If the Commission certify that an application for redemption of rent is one to which this section applies, the application shall have the same effect as the lodgment of a new purchase agreement.

Repeal of s. 16 of Act of 1909.

24. Section sixteen of the Act of 1909, which prohibits the making of advances in the case of tenancies created after the fifteenth day of September, nineteen hundred and nine, shall cease to have effect.

Acquisition of untenanted land.

25.—(1) The powers of the Commission to purchase untenanted land by agreement or compulsorily under section forty-three or Part IV. of the Act of 1909, shall be extended so as to authorise the purchase by them, subject to the conditions imposed by that Act, of any untenanted land the sale and redistribution of which, is in their opinion, desirable for the purpose of facilitating the resale of tenanted land vested in them by virtue of Part II. of this Act and the purchase by them of any untenanted bog required for the purpose of providing turbary for occupiers of land in the neighbourhood, whether such bog is or is not subject to rights of turbary.

(2) Where for the purpose of enlarging or improving congested holdings the Commission propose to acquire compulsorily any untenanted land (whether under Part IV. of the Act of 1909 or this section) and the price has, under section sixty-three of the Act of 1909, been fixed by the Judge of the Supreme Court of Northern Ireland appointed

to act as Judicial Commissioner, the Commission may, if they consider that the price so fixed is so high as to make the acquisition of the land for the purpose aforesaid inexpedient, on serving such notice within such time as may be prescribed, withdraw from the purchase, subject to the payment to the other parties to the proceedings before that judge of such compensation for any loss or expenses which they may have suffered or incurred in or in consequence of the proceedings as the judge may determine.

(3) The power of the Commission to purchase untenanted land compulsorily, whether under Part IV. of the Act of 1909 or this section, shall not extend to any untenanted land which is held by the occupier thereof in fee simple, or under a fee farm grant, or lease for lives or years renewable for ever, or lease for a term of years of which sixty or more are unexpired, and is used by him as an ordinary farm.

Regulations as to turbary.

26. The powers of the Commission and of the Ministry of Finance for Northern Ireland to make regulations with respect to turbary on bogs on holdings shall be extended so as to include power to define the area on which the proprietor of the holding is to cut turf and to make regulations with respect to turbary on bog on any holding, whether the proprietor thereof had or had not an exclusive right of turbary before the sale, and with respect to turbary on any bog the property of the vendor, or of the Commission on which rights or privileges of turbary were exercised or enjoyed prior to the sale, and to make regulations conferring and defining rights of access to the bog over any land for the purposes of turbary.

Provision for the maintenance of watercourses, drains, and similar works.

27.—(1) Where it appears to the Commission that any watercourse, drain, embankment, road, or other work has, prior to the sale of a holding, been cleansed or maintained in whole or in part by the landlord or at his expense for the benefit of the holding, either alone or in conjunction with other lands, and whether under the terms of the contract of tenancy or otherwise, the Judicial Commissioner may direct that there shall be deducted from the purchase money, and transferred and applied in manner hereinafter provided, a sum, whether in money, stock or bonds, which, in his opinion, will yield

an income equivalent to the average annual expenditure incurred by the landlord in such cleansing or maintenance during the period of ten years preceding the date of the passing of this Act, as estimated by the Judicial Commissioner.

(2) Every such sum shall be transferred to the Land Purchase Trustee for Northern Ireland, and may be invested or reinvested, and the income thereof shall be applied in or towards the cleansing or maintenance of the watercourse, drain, embankment, road, or other work in accordance with a scheme to be framed by the Commission after consultation with the Ministry of Finance for Northern Ireland, which scheme may, if thought fit, authorise the application of the principal sum or any part thereof, or the investments for the time being representing the same, in or towards the reconstruction or improvement of such work.

(3) Sums so transferred to the Land Purchase Trustee under this section, and any sums which, prior to the passing of this Act, have been set apart as a fund for similar purposes in Northern Ireland, and the investment, reinvestment, and application of the same, and the execution and alteration of any scheme relating thereto, shall be deemed to be excluded from the general subject-matter of the Acts relating to land purchase in Northern Ireland within the meaning of the Government of Ireland Act, 1920.

Appointment of person to represent tenant for purposes of sale.

28. Where a purchase agreement has been entered into or is deemed to have been entered into by a tenant of a holding, and owing to the death or absence of the tenant or otherwise, a difficulty arises in ascertaining in whom the tenancy of the holding is vested, the Commission may nominate any person to represent the tenant for the purposes of the sale, and may vest the holding in him accordingly, but the interest so vested shall be deemed to be a graft upon the interest of the tenant, and shall be subject to any rights and equities arising from its being such graft.

Power to appoint solicitors &c., to act in place of a person in default.

29.—(1) Where any person—

(*a*) fails to furnish any information, map, particular, or document which under this Act it is his duty to furnish, or, in the opinion of the Judicial Commissioner, fails to carry out such duty in a satisfactory manner; or

(*b*) wilfully fails or refuses to make title or produce evidence of title; or

(*c*) fails to prosecute any proceedings with due diligence and effect;

it shall be lawful for the Judicial Commissioner to appoint a solicitor, land agent, engineer, surveyor, valuer or land clerk to act in the matter and to carry out the instructions of the Commission; and such solicitor, land agent, engineer, surveyor, valuer or land clerk shall have all such powers as he would have had had he been duly employed by such person as aforesaid.

(2) Such costs and remuneration as are approved by the Judicial Commissioner of any such solicitor, land agent, engineer, or surveyor so employed shall be payable out of the purchase money or bonus or interest thereon payable to such person as aforesaid, or may be paid by the Commission and in that case shall be recoverable by the Commission from that person, and, without prejudice to other methods of recovery, the Commission may deduct the amount thereof from any purchase money, bonus, or interest so payable.

Amendment of provisions as to sub-division, letting or mortgaging of purchased holdings. 44 & 45 Vict. c. 49.

30.—(1) Any attempted sub-division or letting of a holding, in contravention of section thirty of the Land Law (Ireland) Act, 1881, or section fifty-four of the Act of 1903 shall be void.

(2) Subsection (3) of section fifty-four of the Act of 1903 (which imposes restrictions on mortgaging) shall cease to have effect as respects any holding.

(3) Where the Commission or the Ministry of Finance for Northern Ireland, in the exercise of their respective powers, authorise the sub-division of a holding which is subject to a purchase annuity and apportion the purchase annuity, then, any part of the holding upon which portion of the purchase annuity is charged shall, if the Commission or Ministry with the consent of the registered proprietor of the holding so direct, be deemed to be consolidated with any other holding of which he is the registered proprietor and which is subject to a purchase annuity, and that annuity and the said portion shall be payable in such manner and subject to such conditions as may be prescribed.

Provisions as to the ascertainment of title and distribution of purchase money.

31.—(1) Where the Commission for the purpose of the ascertainment of title to or distribution of purchase money require any searches to be made in the registry of deeds in Dublin, or in the registry of judgments in Dublin, the searches shall be made without charge to the persons entitled to the purchase money, and the costs thereof (if any) shall be borne as an expense of the Commission.

(2) The Commission shall not for the purpose of an investigation of title to or distribution of purchase money require proof of payment of any estate duty, legacy duty, succession duty, settlement estate duty, probate duty, account duty, or temporary estate duty, if the event which gave rise to an immediate claim to such duty happened more than twelve years before the date of the investigation, without prejudice, however, to the liability of any accountable person to the payment of duty.

Provisions as to registration of land purchased under Acts. 54 & 55 Vict. c. 66.

32.—(1) Where the registration of the ownership of land, the registration of which is compulsory under subsection (1) of section twenty-two of the Local Registration of Title (Ireland) Act, 1891 (hereinafter called "the Act of 1891") has not been effected at the time of the passing of this Act, the Commission, or the Ministry of Finance for Northern Ireland, may furnish to the Registrar of Titles in Northern Ireland the prescribed particulars respecting that land, and the name of the person appearing to them to be in possession thereof, and the registering authority may thereupon register that person as the owner of that land with a possessory or qualified title: Provided that nothing in this subsection shall affect the operation of subsection (2) of section thirty-two of the Land Law (Ireland) Act, 1896, or the registration of the ownership of land in any case to which that subsection applies.

(2) The first registration of any person as full or limited owner with a possessory title shall have the same effect as the first registration of a person as full or limited owner under the Act of 1891, save that registration with a possessory title shall not affect or prejudice any estate, right, or interest adverse to, or in derogation of, or otherwise affecting the title of the first registered owner which is subsisting or capable of arising at the time of such first registration.

(3) The first registration of any person as full or limited owner with a qualified title shall have the same effect as the first registration of a person as full or limited owner under the Act of 1891, save that registration with a qualified title shall not affect or prejudice any estate, right, or interest appearing by the register to be excepted from the effect of registration.

(4) A person registered as owner with a possessory or qualified title as aforesaid may at any time in the prescribed manner apply for registration with an absolute title, and all such steps may be taken in regard to such application as may be taken in proceedings for the discharge of equities under the Act of 1891. If it is found on the examination of any such application that the applicant can be registered with a qualified title only registration may be so effected. The registration of an absolute title shall have the same effect as the registration of a person as full or limited owner under the Act of 1891.

(5) Rules under the Act of 1891 may be made for carrying into effect the object of this section, and the expression "prescribed" in this section means prescribed by such rules. Office fees shall not be payable for the first registration of any title under this section.

(6) In subsection (2) of section thirty-four of the Act of 1891 as originally enacted and as extended by subsection (3) of section thirty-two of the Land Law (Ireland) Act, 1896, the words "loss or damage" shall be substituted for the word "injury."

(7) In section forty-nine of the Act of 1903 the words "or any purchaser from them" are hereby repealed.

Power to make rules.

33. The power of the Commission, or of any commissioner or commissioners of the Commission, to make rules under any enactment which, as originally enacted, authorised rules to be made by the Irish Land Commission or by any commissioner or commissioners of that Commission for any purposes relating or incidental to land purchase, shall be extended so as to include a power to make rules for carrying this Act into effect and, as so extended, shall be exercised by the Judicial Commissioner, after consultation with, and subject to the approval of the Secretary of State, which consultation

and approval shall be in lieu of any consultation and approval required under any such enactment.

Interpretation.

34. In this Act unless the context otherwise requires:—

References to any enactment shall be construed as references to that enactment as it is in force in Northern Ireland;

References to the Judicial Commissioner shall be construed as references to the commissioner of the Commission by whom the powers and duties of the Judicial Commissioner under the Land Purchase Acts are, as respects Northern Ireland, to be exercised and performed pursuant to the Land Purchase (Northern Ireland) Order, 1923, or any Order amending the same.

Appointed day.

35. For the purposes of this Act the appointed day shall be such day or days, not being more than four years after the passing of this Act, as may be fixed by the Commission and different days may be fixed for different provisions and different purposes of this Act, and for different areas, and for different holdings or groups of holdings:

Provided that the Secretary of State may, on proof to his satisfaction by the Commission that as respects particular areas it is necessary to fix as an appointed day or days, some day or days more than four years after the passing of this Act, authorise such later day or days to be fixed as respects those areas.

Short title and construction.

36.—(1) This Act may be cited as the Northern Ireland Land Act, 1925, and shall be construed as one with the Land Purchase Acts, and may be cited with those Acts.

(2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

SCHEDULES.

Sections 2 & 3.

FIRST SCHEDULE.

SUM TO BE SET ASIDE FOR REDEMPTION OF GUARANTEED 4½ PER CENT. BONDS.

From the aggregate of the amounts paid into the Land Purchase Fund and representing sinking fund, interest or redemption payments in respect of advances made by means of the issue of guaranteed 4½ per cent. bonds (including advances so made for the purpose of the Land Purchase Aid Fund) there shall be deducted the amount of the interest on the bonds for the time being outstanding, and the balance as determined in accordance with regulations made by the Treasury shall be the sum to be set aside for the redemption of drawn bonds.

A certificate of the amount available for any drawing of bonds shall be furnished by the National Debt Commissioners to the Treasury, and shall be published in the London Gazette not later than one month before the drawing.

Section 4.

SECOND SCHEDULE.

BONUS IN RESPECT OF NEW PURCHASE AGREEMENTS.

1. The bonus shall be calculated as respects each holding and parcel of untenanted land.

2. In the case of each holding the bonus shall be a percentage of the rent and shall be calculated in accordance with the following table:

County.	First Term Judicial Rents; *i.e.*, fixed before 16th August 1896; per 100*l.* of rent.	Second Term Judicial Rents; *i.e.*, fixed between 15th August 1896 and 16th August 1911; per 100*l.* of rent.	Third Term Judicial Rents; *i.e.*, fixed after 15th August 1911; per 100*l.* of rent.
	£	£	£
Antrim - -	245·2	188·8	134·6
Armagh - -	240·7	216·0	133·0
Down - -	244·1	188·0	134·4
Fermanagh -	240·7	211·4	164·2
Londonderry -	254·0	191·0	135·8
Tyrone - -	249·5	188·0	134·4

2ND SCH. —*cont.*

A rent which is not a judicial rent shall be treated as a second term judicial rent for the purposes of the foregoing table.

3. In the case of each parcel of untenanted land the bonus shall be a percentage of the fair annual value of the land to the owner as determined by the Commission, and the last preceding rule shall apply in like manner as if the parcel were a holding and the fair annual value as so determined were a third term judicial rent.

4. Where a holding or parcel of untenanted land is situated in two or more counties, or in a county borough, or partly in a county borough and partly in one or more counties, the holding or parcel shall for the purposes of this Schedule be deemed to be situated in such county as the Commission may determine.

5. Where a holding which is subject to a third term judicial rent is, under Part I. of the Third Schedule to this Act, treated as if it were still subject to the second term judicial rent, it shall be so treated for the purposes of this Schedule also.

THIRD SCHEDULE.

Section 9.

STANDARD PURCHASE ANNUITY.

PART I.

HOLDINGS SUBJECT TO JUDICIAL RENTS.

1. The standard purchase annuity shall, in the case of each holding, be an annuity of an amount equivalent to a percentage of the judicial rent payable in respect of the holding.

2. The appropriate percentage in the case of each holding shall be the percentage specified in the following table for the county in which the holding is situated and for judicial rents of the same class as the judicial rent which is payable in respect of the holding, according as it is a first term, second term, or third term judicial rent: Provided that where the said rent is a third term judicial rent and the holding was previously subject to a second term judicial rent, the holding shall be treated as if no third term rent had been fixed and it were still subject to the second term rent in any case where the standard purchase annuity calculated on that basis would be less than if calculated on the basis of the third term rent.

3. A holding which is situated in two or more counties or in a county borough or partly in a county borough and partly in one or more counties shall, for the purposes of this Schedule,

3RD SCH. —*cont.*

be deemed to be situated in such county as the Commission may determine.

County.	PERCENTAGE. First Term Judicial Rents, *i.e.*, fixed before the 16th August 1896.	Second Term Judicial Rents, *i.e.*, fixed between the 15th August 1896 and the 16th August 1911.	Third Term Judicial Rents, *i.e.*, fixed after the 15th August 1911.
Antrim - - -	71·5	82·6	88·4
Armagh - -	70·2	81·0	87·3
Down - - -	71·2	82·3	88·2
Fermanagh - -	70·2	79·3	86·2
Londonderry - -	74·1	83·6	89·1
Tyrone - - -	72·8	82·3	88·2

PART II.

HOLDINGS SUBJECT TO RENTS OTHER THAN JUDICIAL RENTS.

1. The rent of a holding to which this Part of this Schedule applies shall, for the purposes of this Schedule, be treated as if it were a second term judicial rent unless an objection is made by the landlord or the tenant in the prescribed manner and within the prescribed time, and, in the absence of any such objection, the standard purchase annuity in the case of the holding shall be a percentage of the actual rent and shall be ascertained in accordance with Part I. of this Schedule.

2. If any objection is made as aforesaid, the Commission shall fix an annual sum in respect of the holding, and the standard purchase annuity shall be a percentage of that annual sum and shall be ascertained in accordance with Part I. of this Schedule as if such annual sum were a third term judicial rent.

3. The annual sum to be fixed by the Commission as aforesaid shall be fixed by the Commission upon the same principles as a judicial rent after receiving the report of their inspector, but without a hearing in court, and their determination shall be subject to appeal to the Judicial Commissioner:

Provided that where a holding or part of a holding is of such a character or the tenancy was created at such time or in such circumstances that an annual sum fixed on the principles applicable to a judicial rent would be inappropriate as a basis of price, the Commission in fixing the annual sum shall have regard to all the circumstances of the case, including the interests of the parties and the respective values thereof.

4. The procedure on an appeal under the foregoing paragraph shall, subject to rules to be made under this Act, be similar to the procedure on appeals from a Sub-Commission

under the Land Law (Ireland) Acts and the rules may provide for the Judicial Commissioner being assisted by a lay assessor and may prescribe the powers and duties of such assessor. 3RD SCH. —*cont.*

5. The standard price calculated on the basis of an annual sum so fixed by the Commission shall be taken as the purchase money for the purpose of the calculation and payment of interest under this Act, notwithstanding that an appeal is pending as to the annual sum, but any payments so calculated shall be the subject of adjustment when the price is finally fixed.

6. This Part of this Schedule applies to every holding which (*a*) at the date of the passing of this Act is subject to a rent other than a judicial rent, and (*b*) vests, or will vest, as tenanted land in the Commission by virtue of Part II. of this Act:

Provided that where an agreement has been made fixing the fair rent of a holding under the Land Law (Ireland) Acts, that rent shall not be deemed to be a judicial rent for the purposes of this Act, unless the agreement was entered into before the sixteenth day of December 1924, and has been duly filed in accordance with the rules for the time being in force under those Acts.

CHAPTER 35.

An Act to extend further the duration of the Poor Law Emergency Provisions (Scotland) Act, 1921, and to amend certain provisions of that Act as amended by the Local Authorities (Emergency Provisions) Act, 1923, and the Poor Law Emergency Provisions Continuance (Scotland) Act, 1924. [28th May 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Continuance subject to amendment of 11 & 12 Geo. 5. c. 64.

1. The Poor Law Emergency Provisions (Scotland) Act, 1921, as amended by section three of the Local Authorities (Emergency Provisions) Act, 1923, and

13 & 14 Geo. 5. c. 6. 14 & 15 Geo. 5. c. 9.

section one of the Poor Law Emergency Provisions Continuance (Scotland) Act, 1924, shall continue in force until the fifteenth day of May, nineteen hundred and twenty-seven, subject to the following modification:—

the power conferred on a parish council by section three of the Local Authorities (Emergency Provisions) Act, 1923, to make arrangements with a local authority for the employment by such authority of destitute ablebodied persons out of employment and applying for relief on any work of public utility instituted for the relief of distress due to unemployment, and to contribute towards the expenditure of such authority on such work shall be exercisable whether the work is carried out by means of labour employed directly by the authority or by means of labour employed by a person contracting with the authority for the execution of the work, and the proviso to paragraph (*a*) of the said section three (which provides that no contribution shall be made by a council unless the work is carried out by means of labour employed directly by the authority) shall cease to have effect.

Short title.

2. This Act may be cited as the Poor Law Emergency Provisions Continuance (Scotland) Act, 1925.

CHAPTER 36.

An Act to grant certain Duties of Customs and Inland Revenue (including Excise), to alter other Duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with Finance.

[30th June 1925.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public

revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

CUSTOMS AND EXCISE.

Duty on tea.

1. The duty of customs payable on tea until the first day of August, nineteen hundred and twenty-five, under section one of the Finance Act, 1924, shall, subject to the provisions of section eight of the Finance Act, 1919 (which relates to imperial preferential rates), continue to be charged, levied and paid until the first day of August, nineteen hundred and twenty-six, that is to say :— 14 & 15 Geo. 5. c. 21. 9 & 10 Geo. 5. c. 32.

Tea . . . the pound fourpence.

Continuation of increased medicine duties. 5 & 6 Geo. 5. c. 89.

2. The additional duties of excise imposed by section eleven of the Finance (No. 2) Act, 1915, upon medicines liable to duty shall continue to be charged, levied and paid until the first day of August, nineteen hundred and twenty-six.

Customs duties on motor cars, musical instruments, clocks, films, &c.

3.—(1) There shall on and after the first day of July, nineteen hundred and twenty-five, be charged, levied and paid on any of the following articles imported into Great Britain or Northern Ireland the following duties of customs, that is to say :—

Motor cars, including motor bicycles and motor tricycles	An amount equal to thirty-three and one-third per cent. of the value of the article.
Accessories and component parts of motor cars, motor bicycles, or motor tricycles other than tyres	
Musical instruments, including gramophones, pianolas, and other similar instruments	
Accessories and component parts of musical instruments, and records and other means of reproducing music	
Clocks, watches, and the component parts of clocks and watches	

Cinematograph films imported for the purpose of the exhibition of pictures or other optical effects by means of a cinematograph or other similar apparatus :—

	Per linear foot of the standard width of $1\frac{3}{8}$ inches. £ s. d.
Blank film, on which no picture has been impressed, known as raw film or stock - - - - -	0 0 $0\frac{1}{3}$
Positives, *i.e.*, films containing a picture for exhibition, whether developed or not - - -	0 0 1
Negatives, *i.e.*, films containing a photograph, whether developed or not, from which positives can be printed - - - - - -	0 0 5

12 & 13 Geo. 5. c. 17. 13 & 14 Geo. 5. c. 14.

(2) The provisions of subsections (1), (3), (4), (5) and (6) of section thirteen of the Finance (No. 2) Act, 1915, of section twelve of the Finance Act, 1922, and of section nine of the Finance Act, 1923, which are set out in the First Schedule to this Act, and which as originally enacted applied in relation to the duties charged by the Finance (No. 2) Act, 1915, on the articles or some of the articles charged with duty by this section, shall have effect as if they were re-enacted in this Act and in terms made applicable to the duties imposed by this section.

Customs duties on silk and artificial silk.

4. There shall on and after the first day of July, nineteen hundred and twenty-five, be charged, levied and paid on the importation into Great Britain or Northern Ireland of the articles specified in the first column of Part I. of the Second Schedule to this Act respectively the duties of customs specified in the second column of the said Part I., and there shall be allowed and paid the drawbacks set out in Part II. of the said Schedule, but subject as respects both duties and drawbacks to the provisions contained in Part III. of the said Schedule.

Excise duty on artificial silk.

5.—(1) There shall on and after the first day of July, nineteen hundred and twenty-five, be charged, levied and paid on every pound weight of artificial silk

singles yarn or straw manufactured in Great Britain or Northern Ireland (other than yarn produced by spinning from artificial silk waste on which duty has been paid under this Act) an excise duty of one shilling, and on every pound weight of artificial silk waste so manufactured an excise duty of sixpence, and there shall, as from the date aforesaid, be paid and allowed the drawbacks set out in Part II. of the Second Schedule hereto, but subject as respects both duties and drawbacks to the provisions contained in Part III. of that Schedule.

(2) There shall on and after the date aforesaid be charged, levied and paid on a licence to be taken out annually by a manufacturer of artificial silk yarn in Great Britain or Northern Ireland an excise duty of one pound.

(3) The Commissioners may make regulations—

(*a*) prohibiting the manufacture of artificial silk yarn or waste in Great Britain or Northern Ireland except by persons holding a licence and having made entry for that purpose;

(*b*) fixing the date of the expiration of the licence;

(*c*) regulating the manufacture of any such yarn or waste and the delivery thereof from the manufactory with a view to securing and collecting from the manufacturers thereof the excise duty imposed by this section;

(*d*) applying to the excise duty and drawbacks on any such yarn or waste and to manufacturers thereof any enactments relating to any duty or drawback of excise or customs;

(*e*) providing for any exemption required for the purpose of relieving from duty any artificial silk intended for exportation.

(4) If any person acts in contravention of, or fails to comply with, any regulation made under this section, the article in respect of which the offence is committed shall be forfeited and the person committing the offence shall be liable in respect of each offence to an excise penalty of fifty pounds.

(5) In this section the expression " artificial silk yarn " includes artificial silk thread and straw.

Customs duty on lace.

6.—(1) During a period of five years beginning on the first day of July, nineteen hundred and twenty-five, a duty of customs equal to thirty-three and one-third per cent. of the value of the goods shall be charged on the importation into Great Britain or Northern Ireland of any of the following goods (that is to say) :—

Lace of cotton, silk, or other fibre, whether made by hand or machine;

Products (not being solid fabrics) of the machines known as the Leaver's lace machine, the lace curtain machine, the lace net machine, or the circular lace machine;

Embroidery manufactured on net or any fabric which, or the main part of which, is eliminated before the article reaches its final stage.

(2) If any goods chargeable with duty under this section are proved to the satisfaction of the Commissioners to be goods brought back into Great Britain or Northern Ireland after having been exported therefrom for the purpose of undergoing any process out of Great Britain or Northern Ireland, the value of the goods for the purposes of this section shall be taken to be their value as ascertained in accordance with the provisions of this Part of this Act after deducting therefrom such amount as is proved to the satisfaction of the Commissioners to have been the value of the goods at the time of exportation, together with freight and insurance outwards.

(3) If it is proved to the satisfaction of the Commissioners that duty has been paid under this section in respect of any goods, and that the goods have not been used in Great Britain or Northern Ireland, a drawback equal to the amount of the duty so paid shall be allowed on the goods if exported as merchandise.

Customs duty on imported hops, and

7.—(1) During a period of four years beginning on the sixteenth day of August, nineteen hundred and twenty-five, there shall be charged, levied and paid on the following goods imported into Great Britain

or Northern Ireland the following duties of customs, that is to say :— consequential modifications of beer duties and drawbacks.

	£ s. d.
Hops - - - - the cwt.	4 0 0
Every extract, essence or other similar preparation made from hops - - - - -	An amount equal to the duty on the quantity of hops which, in the opinion of the Commissioners, has been used in the manufacture of the extract, essence or preparation,

and as from the beginning of the said period there shall, on the exportation from Great Britain or Northern Ireland of hops in the case of which it is shown to the satisfaction of the Commissioners that they were imported in the packages in which they are being exported, be allowed and paid a drawback equal to the duties of customs shown to the satisfaction of the Commissioners to have been paid in respect thereof.

(2) There shall during the period of four years aforesaid, in addition to the duties of customs payable on beer at the commencement of this Act, be charged, levied and paid on beer imported into Great Britain or Northern Ireland the following additional duty of customs, that is to say :—

For every thirty-six gallons where the worts thereof were before fermentation of a specific gravity of one thousand and fifty-five degrees -	ten pence

and there shall, in addition to the customs drawback payable at the commencement of this Act, be allowed and paid, on the exportation or shipment for use as stores of beer on which it is shown to the satisfaction of the Commissioners that the aforesaid additional customs duty has been paid, an additional drawback, calculated according to the original gravity of the beer, at the rate of tenpence for every thirty-six gallons of an original gravity of one thousand and fifty-five degrees.

(3) During a period of four years beginning on the sixteenth day of November, nineteen hundred and twenty-five, there shall, in addition to the excise drawback payable at the commencement of this Act, be allowed and paid in respect of beer exported from Great Britain or Northern Ireland as merchandise or shipped for use as stores an additional drawback, calculated according to the original gravity of the beer, at the rate of tenpence for every thirty-six gallons of an original gravity of one thousand and fifty-five degrees.

(4) In the case of beer which is not of the gravity of one thousand and fifty-five degrees, the duty or the drawback under this section, as the case may be, shall be varied proportionately.

Imperial preference in respect of sugar, &c.

8.—(1) During a period of ten years beginning on the first day of July, nineteen hundred and twenty-five, sugar, molasses, glucose and saccharin, if Empire products, shall be charged respectively with customs duties at preferential rates representing the full rates of customs duty for the time being in force reduced by the respective amounts specified in the second column of Part I. of the Third Schedule to this Act instead of at the preferential rates chargeable under the Second Schedule to the Finance Act, 1919, and section eight of the said Act shall have effect accordingly:

Provided that, if at any time during the period aforesaid the full rate of the customs duty chargeable in respect of any of the said articles is decreased so as to be equal to or less than the amount of the reduction to be allowed as aforesaid, that article, if an Empire product, shall be free of duty.

(2) In lieu of the present excise duties on sugar, molasses, glucose and saccharin there shall, during the period aforesaid, be charged, levied and paid excise duties at rates equal to the preferential rates of the customs duties for the time being chargeable on the like articles.

(3) Where the duty of customs or excise payable on any molasses, or in respect of the material from which any molasses is produced, is payable under this section at a reduced rate, any drawback or allowance payable in

respect thereof shall be reduced to an amount bearing to the full customs drawback or allowance the same proportion as the reduced rate of duty bears to the full customs rate.

(4) In this Act the expression "Empire products" means such Empire products as are entitled to preferential rates under section eight of the Finance Act, 1919.

Imperial preference in respect of other goods.

9.—(1) As from the first day of July, nineteen hundred and twenty-five, the goods specified in the first column of Part II. of the Third Schedule to this Act shall, if Empire products, be charged respectively with customs duties at the preferential rates specified in the second column of the said Part II. instead of at the preferential rates chargeable under the Second Schedule to the Finance Act, 1919, and section eight of the said Act shall have effect accordingly.

(2) The goods specified in the first column of Part III. of the Third Schedule to this Act shall, if Empire products, be charged respectively with customs duties at the preferential rates specified in the second column of the said Part III. in all respects as if the said Part III. were included in the Second Schedule to the Finance Act, 1919.

(3) As from the first day of July, nineteen hundred and twenty-five, section nine of the Finance Act, 1919, (which reduced the excise duty payable on certain goods, including tobacco, by one-sixth), shall have effect as though, in respect of tobacco, one-fourth were substituted for one-sixth.

(4) Where the duty of customs or excise on any tobacco is payable under this section at a reduced rate, any drawback payable in respect thereof shall be reduced to an amount bearing to that drawback the same proportion as the reduced rate payable under this section bears to the rate of duty which would otherwise have been payable.

Definition of value for purposes of ad valorem duties.

10.—(1) Where the rate of a duty of customs imposed by this Act on any article is a percentage of the value of the article, that value shall be taken to be the price which an importer would give for the article, if it were delivered, freight and insurance paid, in bond at the port of

importation, and duty shall be paid on that value as fixed by the Commissioners:

Provided that in the case of a motor car (including a motor bicycle and a motor tricycle) imported with tyres attached, the value of the tyres shall be deducted from the value of the car for the purpose of the charge of duty.

(2) Any dispute arising as to the proper rate of duty payable under this Act shall, so far as any question of value is concerned, be referred to a referee to be appointed by the Lord Chancellor, and the decision of the referee shall be final and conclusive:

Provided that the person to be appointed as a referee shall not be an official of any Government department.

39 & 40 Vict. c. 36.

Sections thirty and thirty-one of the Customs Consolidation Act, 1876, shall, as respects any such dispute as to value, have effect as if an application for reference to a referee under this provision were substituted for the action or suit mentioned in those sections.

(3) The procedure on any such reference shall be such as may be determined by the referee.

Provision as to re-importation of certain goods charged with duty by Act. 42 & 43 Vict. c. 21.

11. Section six of the Customs and Inland Revenue Act, 1879, shall not apply to articles on which a duty of customs is charged by section three, section four or section six, of this Act, and any such articles re-imported into Great Britain or Northern Ireland after exportation therefrom shall be exempt from duty if it is shown to the satisfaction of the Commissioners either that the article had not previously to exportation been imported into Great Britain or Northern Ireland at a time when a duty of customs was payable on articles of that class (whether under this Act or under the Finance (No. 2) Act, 1915), and had not previously to exportation been made in Great Britain or Northern Ireland at a time when an excise duty was payable on articles of that class, or, where duty was paid, that no drawback of duty was allowed on exportation, or that any drawback so allowed has been repaid to the Exchequer.

12. Section fourteen of the Finance Act, 1924 (which makes provision for the allowance of a drawback on the exportation of certain blended tea), shall have effect as though reference therein to exportation included references to shipment as ships' stores and to deposit in a warehouse for use as ships' stores, and the expression "exporter" shall be construed accordingly. Extension of s. 14 of Finance Act, 1924, to tea shipped as stores.

PART II.

INCOME TAX.

13.—(1) Income tax for the year 1925–26 shall be charged at the rate of four shillings. Income tax for 1925–26.

(2) All such enactments relating to income tax as were in force with respect to duties of income tax granted for the year 1924–25 shall have full force and effect with respect to any duties of income tax granted by this Act.

(3) The annual value of any property which has been adopted for the purpose of income tax under Schedules A and B for the year 1924–25 shall be taken as the annual value of that property for the same purpose for the year 1925–26:

Provided that this subsection shall not apply to lands, tenements and hereditaments in the administrative county of London with respect to which the valuation list under the Valuation (Metropolis) Act, 1869, is, by that Act, made conclusive for the purposes of income tax. 32 & 33 Vict. c. 67.

14.—(1) The rates of super-tax for the year 1925–26 shall, for the purposes of section four of the Income Tax Act, 1918, as amended by any subsequent enactment, be as follows:— Super-tax for 1925–26. 8 & 9 Geo. 5 c. 40.

In respect of the first two thousand pounds of the income - - - -	Nil.

In respect of the excess over two thousand pounds—	
For every pound of the first five hundred pounds of the excess -	Ninepence.
For every pound of the next five hundred pounds of the excess -	One shilling.
For every pound of the next one thousand pounds of the excess -	One shilling and sixpence.
For every pound of the next one thousand pounds of the excess -	Two shillings and threepence.
For every pound of the next one thousand pounds of the excess -	Three shillings.
For every pound of the next two thousand pounds of the excess -	Three shillings and sixpence.
For every pound of the next two thousand pounds of the excess -	Four shillings.
For every pound of the next five thousand pounds of the excess -	Four shillings and sixpence.
For every pound of the next five thousand pounds of the excess -	Five shillings.
For every pound of the next ten thousand pounds of the excess -	Five shillings and sixpence.
For every pound of the remainder of the excess - - - -	Six shillings.

(2) All such enactments relating to super-tax as were in force with respect to the super-tax granted for the year 1924–25 shall have full force and effect with respect to the super-tax granted under this section.

Allowances in respect of earned income and allowances from total income of persons of age of 65 years.

15.—(1) An individual who makes in the manner prescribed by the Income Tax Acts a claim in that behalf and who makes a return in the prescribed form of his total income shall, for the purpose of ascertaining the amount of his assessable income for the purpose of income tax, be allowed a deduction from the amount of his earned income of a sum equal to one-sixth of the amount of that income, but not exceeding in the case of any individual two hundred and fifty pounds.

(2) Any individual who, in the manner prescribed by the Income Tax Acts, makes a claim in that behalf, makes a return in the prescribed form of his total income, and proves that at the commencement of the year of assessment either he or, in the case of a married man, his wife living with him was of the age of sixty-five years or upwards and that his total income for the year of assessment does not exceed five hundred pounds, shall, for the purpose of ascertaining the amount of his assessable income for the purpose of income tax, be allowed a deduction from the amount of his total income of a sum equal to one-sixth of the amount of that income, and any individual who would, but for the fact that his total income exceeds five hundred pounds, be entitled to an allowance as aforesaid shall be entitled to have the amount of the income tax payable in respect of his total income reduced, where necessary, so as not to exceed a sum equal to the aggregate of the two following amounts, that is to say, the amount of the tax which would have been payable if his total income had amounted to, but had not exceeded, five hundred pounds, and one-half of the amount by which his total income exceeds five hundred pounds:

Provided that any deduction or relief under this subsection shall be in substitution for and not in addition to the deduction under subsection (1) of this section.

(3) The provisions of sections twenty-seven, twenty-eight, twenty-nine and thirty of the Income Tax Act, 1918, and of paragraph XVII of the Fifth Schedule to that Act shall apply for the purpose of claims under this section, and references in any enactment to section sixteen of the Finance Act, 1920, or to the deduction of any allowance in respect of earned income shall be construed as references to this section and to the allowances and relief thereunder:

10 & 11 Geo. 5. c. 18.

Provided that, where, on an application made for the purpose under the provisions of the Income Tax Acts, income tax for any year is assessable and chargeable on the incomes of the husband and wife respectively as if they were not married, the benefit of any allowance or relief under the last preceding subsection shall be apportioned between the husband and wife according to the amounts of their respective total incomes.

(4) Paragraph (*b*) of subsection (1) of section one hundred and five of the Income Tax Act, 1918, as amended by the Third Schedule to the Finance Act, 1920, shall have effect as though the words "one hundred and sixty "pounds" were substituted for the words "one hundred "and fifty pounds."

(5) In this section the expressions "earned income" and "total income" mean respectively earned income as estimated in accordance with the provisions of the Income Tax Acts and total income from all sources as so estimated.

Allowance of deduction for wear and tear in case of profits of professions, &c., and of profits arising from occupation of land.

16. Rules 6 and 7 of Cases I and II of Schedule D (which provide, in connection with the charge to income tax under that Schedule of the profits or gains of a trade, for the allowance of deductions in respect of the wear and tear of machinery and plant and in respect of expenses incurred in replacing obsolete machinery or plant) shall apply as if references in those Rules to the profits or gains of a trade included references to the profits or gains, whether assessable under Schedule D or otherwise, of a profession, employment, vocation or office, and, where they are ascertained otherwise than by reference to assessable value, to the profits or gains arising from the occupation of lands, including woodlands, and in relation to profits or gains assessable under some Schedule other than Schedule D as if the provisions of the said Rules were applicable to the tax under that other Schedule:

Provided that—

(i) where the profits or gains are not assessed under Schedule D, the powers of the Additional Commissioners under paragraph (4) of the said Rule 6 may be exercised by the General Commissioners; and

(ii) in the case of a claim for the allowance of a deduction for wear and tear in any year from the profits or gains arising to any person from the occupation of lands, including woodlands, the appropriate deduction for wear and tear shall, for the purposes of paragraph (6) of the said Rule 6, be deemed to have been allowed for any previous year for which profits or gains arising to that person from the occupation of lands, including woodlands, were determined by reference to assessable value.

Non-resident persons not to be chargeable to income tax in name of certain agents.

17.—(1) Where sales or transactions are carried out on behalf of a non-resident person through a broker in the ordinary course of his business as such, and the broker satisfies the conditions required to be satisfied for the purposes of this section, then, notwithstanding that the broker is a person who acts regularly for the non-resident person as such broker, the non-resident person shall not be chargeable to income tax in the name of that broker in respect of profits or gains arising from those sales or transactions.

(2) The conditions required to be satisfied for the purposes of this section are that the broker must be a person carrying on bonâ fide the business of a broker in Great Britain or Northern Ireland, and that he must receive in respect of the business of the non-resident person which is transacted through him remuneration at a rate not less than that customary in the class of business in question.

(3) In this section the expression "broker" includes a general commission agent.

(4) Rule 10 of the General Rules shall have effect subject to the provisions of this section.

Assessment of weekly wage-earners to be half-yearly instead of quarterly.

18. Weekly wage-earners to whom Rule 2 of the Rules applicable to Cases I and II of Schedule D applies shall for the year 1925–26 be assessed and charged to tax in respect of their wages in each half of the year instead of in each quarter of the year, and for references in any enactment to quarterly assessment and charge and to quarters of the year in connection with the assessment and charge of weekly wage-earners there shall be substituted references to half-yearly assessment

and charge and to half-years, and all such enactments shall have effect accordingly.

Claims for exemption in respect of income of charities and for repayment of tax in respect of interest paid to banks, and right of appeal in connection therewith. 11 & 12 Geo. 5. c. 32.

19.—(1) Any claim for—

(*a*) exemption from income tax under the provisions of section thirty-seven of the Income Tax Act, 1918, or section thirty of the Finance Act, 1921 (which sections provide respectively for exemption in respect of certain income of charities and for exemption in respect of lands owned and occupied by charities and of profits of trades carried on by beneficiaries of charities); or

(*b*) repayment of income tax under section thirty-six of the Income Tax Act, 1918 (which provides for the repayment in certain cases of income tax in respect of interest paid to banks, discount houses, &c., out of taxed profits);

shall be made to the Commissioners of Inland Revenue in such form as they may prescribe, and the said Commissioners shall on proof of the facts to their satisfaction allow the claim accordingly.

(2) Any person who is aggrieved by the decision of the said Commissioners on a claim made by him as aforesaid may, by notice in writing to that effect given to the said Commissioners within twenty-one days from the date on which notice of the decision is given to him, make an application to have his claim for exemption or repayment, as the case may be, heard and determined by the Special Commissioners.

(3) Where any such application as aforesaid is made, the Special Commissioners shall hear and determine the claim in like manner as an appeal made to them against an assessment under Schedule D, and all the provisions of the Income Tax Acts relating to such an appeal (including the provisions relating to the statement of a case for the opinion of the High Court on a point of law) shall apply accordingly with any necessary modifications.

(4) Section forty of the Income Tax Act, 1918 (which contains provisions with respect to claims under sections thirty-seven, thirty-eight and thirty-nine of

that Act), shall cease to apply to claims for exemption under section thirty-seven of that Act.

Provision as to income tax on dividends of certain securities vested in custodian or administrator of enemy property.

20.—(1) Where under or by virtue of the Trading with the Enemy Acts, 1914 to 1918, or any Order in Council made under any Treaty of Peace Act, any securities to which this section applies became vested in any custodian or administrator of enemy property, any question of liability to income tax in respect of the dividends or interest on the securities shall be determined as if the securities had not become so vested.

(2) The securities to which this section applies are those classes of securities, stocks, funds or shares the dividends or interest whereon are chargeable to income tax under Schedule C or under Rule 7 of the Miscellaneous Rules applicable to Schedule D, or were chargeable to income tax under any enactments replaced by the said Schedule C or the said Rule 7 and for the purposes of this section the expression "Treaty of Peace "Act" means any Act for carrying into effect any treaty of peace made after the late war between His Majesty and any other power.

Continuation of s. 21 of Finance Act, 1923. 13 & 14 Geo. 5. c. 14.

21. Section twenty-one of the Finance Act, 1923 (which grants an exemption for charities in the Irish Free State in respect of income tax for the year 1923–24), shall apply with respect to income tax chargeable for the years 1925–26, 1926–27, and 1927–28, as it applied with respect to income tax chargeable for the year 1923–24.

PART III.

DEATH DUTIES.

Amended rates of estate duty.

22. The scale set out in the Fourth Schedule to this Act shall in the case of persons dying after the commencement of this Act be substituted for the scale set out in the Third Schedule to the Finance Act, 1919, as the scale of rates of estate duty:

Provided that, where an interest in expectancy within the meaning of Part I. of the Finance Act, 1894, in any property has, before the twenty-eighth day of April, nineteen hundred and twenty-five, been bonâ fide sold or mortgaged for full consideration in money or money's worth, then no other duty on that property

57 & 58 Vict. c. 30.

shall be payable by the purchaser or mortgagee when the interest falls into possession than would have been payable if this Part of this Act had not passed, and in the case of a mortgage any higher duty payable by the mortgagor shall rank as a charge subsequent to that of the mortgagee.

Estate duty payable in respect of agricultural property to be charged in part on agricultural value at rate under Finance Act, 1919.

23.—(1) Where an estate in respect of which estate duty is payable on the death of a person dying after the commencement of this Act comprises or consists of agricultural property, the estate duty payable in respect of the agricultural property shall, instead of being charged on the principal value thereof at the appropriate rate payable under this Act, be charged as follows, that is to say, the duty shall be charged on the agricultural value of the property at the appropriate rate payable under the scale of rates set out in the Third Schedule to the Finance Act, 1919, and shall be charged on the amount by which the principal value of the agricultural property exceeds the agricultural value thereof (in this Act referred to as "the excess principal value") at the appropriate rate payable under the scale set out in the Fourth Schedule to this Act.

(2) For the purposes of this section the agricultural value of agricultural property shall be taken to be the value which the property would bear if it were subject to a perpetual covenant prohibiting its use otherwise than as agricultural property, decreased by the value of any timber, trees, wood or underwood growing thereon.

(3) Where any agricultural property is subject to a mortgage, debt or incumbrance in respect of which an allowance is by law to be made for the purposes of estate duty, the mortgage, debt or incumbrance shall, for the purposes of this section, be apportioned between the agricultural value of the property and the excess principal value of the property in proportion to the amounts of those two values respectively.

(4) In this section the expression "agricultural property" means agricultural property within the meaning of paragraph (*g*) of subsection (1) of section twenty-two of the Finance Act, 1894, and the expression "appropriate rate" means the rate of estate duty appropriate to the principal value of the estate passing on the death of the deceased.

Determination for purposes of succession duty of date on which succession arises. 10 Edw. 7. c. 8.

24. For the purposes of section eighteen of the Finance Act, 1894, and of section fifty-eight of the Finance (1909–10) Act, 1910, a succession shall be deemed to arise on the happening of the death by reason of which the successor, or any person in his right or on his behalf, becomes entitled in possession to the succession or to the receipt of the income or profits thereof.

PART IV.

GENERAL.

Liability of Dominion Governments to taxation in respect of trading operations.

25.—(1) Where a trade or business of any kind is carried on by or on behalf of the Government of any part of His Majesty's Dominions which is outside Great Britain and Northern Ireland, that Government shall, in respect of the trade or business and of all operations in connection therewith, all property occupied in Great Britain or Northern Ireland and all goods owned in Great Britain or Northern Ireland for the purposes thereof, and all income arising in connection therewith, be liable, in the same manner as in the like case any other person would be, to all taxation for the time being in force in Great Britain or Northern Ireland.

(2) In this section the expression "His Majesty's Dominions" includes any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's Dominions.

(3) Nothing in this section shall—

(*a*) affect the immunity of any such Government as aforesaid from taxation in respect of any income or property to which subsection (1) of this section does not apply; or

(*b*) be taken to prejudice the question of any liability on the part of any such Government in respect of any period before the commencement of this Act to taxation in respect of the matters mentioned in subsection (1).

Further relief from tax in respect of income of

26. A High Commissioner or Agent-General within the meaning of section nineteen of the Finance Act, 1923 (which exempts from income tax the salaries of High Commissioners, Agents-General and their staffs), who is resident in Great Britain or Northern Ireland shall be

High Commissioners, Agents-General and their staffs.

entitled to the same immunity from income tax (including super-tax) and land tax as that to which an accredited minister of a foreign state so resident is entitled, whether by virtue of any Act or otherwise, and any person having or exercising any employment to which the said section nineteen applies shall be entitled to the same immunity from income tax (including super-tax) and land tax as that to which a member of the staff of an accredited minister of a foreign state is entitled, whether by virtue of any Act or otherwise.

Continuance during current financial year of s. 58 of 10 & 11 Geo. 5. c. 18. 38 & 39 Vict. c. 45.

27. Section fifty-eight of the Finance Act, 1920 (which provides that amounts applied out of revenue in paying off debt are to be deemed to be expenditure within the meaning of sections four and five of the Sinking Fund Act, 1875), shall apply in relation to the current financial year as it applied in relation to the financial year ending on the thirty-first day of March, nineteen hundred and twenty-one.

Construction, short title, application, and repeal. 39 & 40 Vict. c. 36.

28.—(1) Part I of this Act so far as it relates to duties of customs shall be construed together with the Customs (Consolidation) Act, 1876, and any enactments amending that Act, and, so far as it relates to duties of excise, shall be construed together with the Acts which relate to the duties of excise and the management of those duties, and the expression "Commissioners" in the said Part I means the Commissioners of Customs and Excise.

(2) Part II of this Act shall be construed together with the Income Tax Acts.

(3) Part III of this Act shall be construed together with the Finance Act, 1894.

(4) This Act may be cited as the Finance Act, 1925.

(5) Such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(6) The enactment set out in the Fifth Schedule to this Act is hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Section 3.

ENACTMENTS APPLIED FOR PURPOSE OF DUTIES IMPOSED BY SECTION 3.

Subsections (1), (3), (4), (5) *and* (6) *of s.* 13 *of Finance* (*No.* 2) *Act*, 1915.

13.—(1) If it is proved to the satisfaction of the Commissioners of Customs and Excise that a new import duty has been duly paid in respect of any article, and that the article has not been used in Great Britain or Northern Ireland, a drawback equal to the amount of duty paid shall be allowed on that article if exported as merchandise.

(3) Where it is proved to the satisfaction of the Commissioners of Customs and Excise that any article is of a kind mainly used as an accessory or a component part which is liable to a new import duty but is imported for use for some other purpose or has been and is being exclusively used for some other purpose, the Commissioners shall, subject to such conditions (if any) as they think fit to impose, allow the article to be imported free of duty, or repay any duty paid on importation, as the case requires.

(4) Motor cars which are proved to the satisfaction of the Commissioners of Customs and Excise to be constructed and adapted for use, and intended to be used solely, as motor omnibuses or motor ambulances, or in connection with the conveyance of goods or burden in the course of trade or husbandry, or by a local authority as fire engines or otherwise for the purposes of their fire brigade service, and chassis, component parts, and accessories, which are so proved to be intended to be used solely for any such motor cars, shall not be charged with the new import duty:

Provided that in such cases as the Commissioners of Customs and Excise direct, cars, chassis, accessories, or parts, as the case may be, shall not be exempted unless they are marked or stamped in such manner as the Commissioners direct or approve with some distinctive stamp or mark showing that they are only to be so used.

On any transfer of a motor car or chassis which has been exempted under this provision, the transferor shall give notice of the transfer and of the name and address of the transferee to the Commissioners of Customs and Excise.

1ST SCH —*cont.*

If, while the duty on motor cars, motor bicycles and motor tricycles, and accessories and component parts thereof under this Act remains in force, any person obliterates or removes any such distinctive stamp or mark, or uses any motor car, chassis, accessory, or part which has been exempted from duty under this provision for any purpose other than the purposes therein mentioned, or fails to give notice of a transfer in accordance with this provision, he shall be liable on summary conviction to a fine not exceeding one hundred pounds, or, at the option of the court, to imprisonment, with or without hard labour, for a term not exceeding six months.

If it is shown to the satisfaction of the Commissioners of Customs and Excise that any motor car, chassis, component part, or accessory has been, and is being, exclusively used for purposes which entitle it to an exemption from duty under this provision, the Commissioners may, subject to such conditions (if any) as they think fit to impose, repay any duty paid on the car, chassis, part or accessory on importation.

(5) The Treasury may by order exempt any articles mentioned in the order which are liable to any new import duty from that duty if they are satisfied that, having regard to the small value of the article, it is inexpedient that the duty should be charged.

(6) The Treasury may make regulations providing for the total or partial exemption for a limited period from the new import duty of any motor cars, including motor bicycles and motor tricycles, brought into Great Britain or Northern Ireland by persons making only a temporary stay therein.

S. 12 *of Finance Act*, 1922.

Amendment as to duties to be charged on certain negative cinematograph films.

12. If it is proved to the satisfaction of the Commissioners of Customs and Excise as respects any imported negative cinematograph film, whether developed or undeveloped, that the production of the film was organised by persons whose chief or only place of business was in the United Kingdom, and that the producer of the film and the principal actors and artists employed for the production thereof were British subjects and domiciled in the United Kingdom, that film shall, subject to compliance with such conditions as the Commissioners may by regulation prescribe, be treated for the purpose of the duties charged on imported cinematograph films by section twelve of the Finance (No. 2) Act, 1915, as being blank film.

S. 9 *of Finance Act*, 1923.

Amendment of s. 12 of Finance Act, 1922.

9. Section twelve of the Finance Act, 1922, which reduces the duties to be charged on certain negative cinematograph films, shall have effect as though for the condition requiring all the

principal actors and artists employed for the production of a film to be British subjects and domiciled in Great Britain or Northern Ireland there were substituted a condition requiring all such principal actors and artists, except five, or if the total number of the principal actors and artists is less than twenty not less than three-quarters of the principal actors and artists to be British subjects and domiciled as aforesaid, and for the purposes of the said section twelve, as amended by this section, the expression "artists" shall include the person working the photographic camera by means of which the pictures composing the film are taken. 1ST SCH. —*cont.*

SECOND SCHEDULE.

Sections 4, 5.

PART I.

CUSTOMS DUTIES.

Article.	Amount of duty.
SILK:	
Cocoons and waste of all kinds—	*s.* *d.*
Undischarged - - the lb.	1 0
Wholly or in part discharged other than noils - - ,, ,,	3 0
Noils - - - - - ,, ,,	1 0
Raw—	
Undischarged - - - ,, ,,	3 0
Wholly or in part discharged ,, ,,	4 4
Yarn—	
Undischarged - - - ,, ,,	4 8
Wholly or in part discharged—	
Not being noil yarn - ,, ,,	6 8
Noil yarn - - - ,, ,,	1 5
Tissues—	
Undischarged - - - ,, ,,	5 3
Wholly or in part discharged—	
Noil tissue - - - ,, ,,	1 7
Tissue known as habutai not dyed or printed - ,, ,,	6 6
Other tissues - - ,, ,,	7 9
ARTIFICIAL SILK:	
Waste - - - - - ,, ,,	1 0
Singles yarn and straw - ,, ,,	2 0
Doubled or twisted thread advanced beyond the stage of singles yarn - ,, ,,	3 0
Tissues - - - - ,, ,,	3 6

2ND SCH. —*cont.*

Article.	Amount of duty.
ANY OTHER ARTICLES MADE WHOLLY OR IN PART OF SILK OR ARTIFICIAL SILK:	
Where the article is made wholly of silk or artificial silk, or where the value of the silk or artificial silk component exceeds twenty per cent. of the aggregate of the values of all the components of the article.	An amount equal to thirty-three and one-third per cent. of the value of the article.
Where the value of the silk or artificial silk component exceeds five per cent., but does not exceed twenty per cent. of the aggregate of the values of all the components of the article.	An amount equal to ten per cent. of the value of the article.
Where the value of the silk or artificial silk component does not exceed five per cent. of the aggregate of the values of all the components of the article.	An amount equal to two per cent. of the value of the article.

PART II.

DRAWBACKS.

	s.	*d.*
1. IN THE CASE OF ANY OF THE FOLLOWING ARTICLES PRODUCED IN GREAT BRITAIN OR NORTHERN IRELAND FROM MATERIAL ON WHICH A DUTY OF CUSTOMS OR EXCISE HAS BEEN PAID—		
Silk:		
Noil yarn - - - the lb.	1	5
Thrown yarn—		
Not wholly discharged the lb.	3	9
Thrown yarn and spun yarn—		
Wholly discharged - the lb.	4	1
Tissue—		
Not wholly discharged the lb.	4	3
Wholly discharged—		
If proved to the satisfaction of the Commissioners to have been produced from imported undischarged tissue the lb.	7	9
Tissue known as habutai if dyed or printed in Great Britain or Northern Ireland the lb.	7	9
Noil tissue - the lb.	1	7
In any other case the lb.	5	6

2ND SCH. —*cont.*

Article.		
Artificial Silk:		*s. d.*
Singles yarn made from staple fibre or other waste -	the lb.	0 9
Doubled or twisted thread advanced beyond the stage of singles yarn—		
If made from staple fibre or other waste -	the lb.	0 10
In any other case -	the lb.	1 7
Tissue made from staple fibre or other waste - -	the lb.	0 11
Tissues proved to the satisfaction of the Commissioners to be made from other forms of artificial silk - - -	the lb.	1 9

2. GOODS NOT PREVIOUSLY SPECIFIED IN THIS PART OF THIS SCHEDULE WHICH ARE MADE WHOLLY OR IN PART OF SILK OR ARTIFICIAL SILK WHICH IS PROVED TO THE SATISFACTION OF THE COMMISSIONERS TO HAVE BEEN CHARGED WITH DUTY UNDER THIS ACT AND WHICH ARE SHOWN TO BE IN SUCH FORM AND STATE THAT, IF DUTY HAD NOT BEEN PAID, THEY WOULD BE LIABLE TO THE SAME RATE OF DUTY AS THAT AT WHICH THEY OR THEIR COMPONENTS HAVE ALREADY BEEN CHARGED.	A drawback equal to the amount of duty payable on the same weight of the like goods.

Article.	Rate or Amount of Drawback.
3. IN THE CASE OF ANY MADE UP ARTICLE CONSISTING WHOLLY OR PARTLY OF SILK OR ARTIFICIAL SILK:	
If exported in the form and state in which it was imported.	A sum equal to the amount shown to the satisfaction of the Commissioners to have been paid as duty on the importation of the article.

2ND SCH. – *cont.*

Article.	Rate or Amount of Drawback.
If manufactured in Great Britain or Northern Ireland from silk or artificial silk.	A sum equal to the amount payable as drawback in respect of such a quantity of the like silk or artificial silk as, in the opinion of the Commissioners, has been used in the manufacture of the article.

PART III.

PROVISIONS AS TO DUTIES AND DRAWBACKS.

1. In calculating for the purpose of any duty or drawback the weight of any yarn or tissue the weight of any fibres other than silk or artificial silk or of any waterproofing materials in the yarn or tissue shall be excluded, and where any drawback is payable in respect of any silk yarn or tissue which is loaded, the amount of the drawback shall be reduced by thirty per cent., unless the Commissioners are satisfied that the yarn or tissue was imported in the form of yarn or tissue, as the case may be, and was loaded at the time of being so imported or was manufactured in Great Britain or Northern Ireland.

2. Where the weight of the moisture contained in any raw silk or silk yarn exceeds eleven per cent. of the weight of the article, any duty payable in respect thereof shall be decreased by one per cent. of the amount of the duty for every one per cent. of moisture contained in the article in excess of eleven per cent.

3. Where any article chargeable with a duty under this Schedule is also chargeable with a duty under section three of this Act, the duty under this Schedule shall not be charged except in so far as the amount thereof exceeds the amount of the duty charged under the said section three.

4. Where any article chargeable under this Schedule with a duty equal to a percentage of the value of the article is also chargeable with the duty on lace imposed by this Act, the value of the lace in the article shall be excluded in computing the value of the article for the purpose of the duty under this Schedule, and where any article chargeable with duty under

this Schedule as a tissue is also chargeable with the duty on lace imposed by this Act, the duty under this Schedule shall not be charged except in so far as the amount thereof exceeds the amount of the lace duty.

5. Subject to such conditions as the Commissioners may impose, the excise duty charged by this Act on artificial silk yarn shall not be payable on any such yarn manufactured on the licensed premises of a manufacturer of such yarn from imported artificial silk waste in respect of which the duty of customs imposed by this Act has been duly paid.

6. Where it is shown to the satisfaction of the Commissioners that any yarn or tissue of silk or artificial silk is being imported solely for the purpose of undergoing a process in Great Britain or Northern Ireland the Commissioners may, subject to such conditions as they think fit to impose for securing the re-exportation of the goods, allow the goods to be imported free of duty.

7. If, on the importation into Great Britain or Northern Ireland of any article wholly or in part of silk or artificial silk, it is shown to the satisfaction of the Commissioners—

(*a*) that the article was produced abroad by means of some process from an article exported from Great Britain or Northern Ireland, and that consequently the case does not fall within the provisions of section eleven of this Act; and

(*b*) that the article is liable to duty at the same rate as the duty payable on the exported article from which it was produced; and

(*c*) that any drawback paid on the exportation of the said article has been repaid;

the duty charged on the re-importation of the article shall, if chargeable by reference to the weight thereof, be charged only upon the amount by which the weight of the article on re-importation exceeds the weight at exportation and, if chargeable by reference to value, shall be charged only on the amount by which the value of the article at re-importation exceeds the value at exportation.

8. The Commissioners may make regulations for relieving from any duty of customs or excise chargeable in respect of artificial silk, any artificial silk which is to be used in the manufacture of tissues in part of artificial silk and in part of other fibre, if those tissues are intended for exportation.

9. Where a specified amount of duty is charged or a specified amount of drawback is allowed in respect of a specific

2ND SCH. —*cont.*

weight of an article, the amount of the duty or drawback, as the case may be, shall be increased or decreased proportionately in the case of any greater or less weight.

10. Subject to such conditions for safeguarding the revenue as the Commissioners may impose, the rates of drawback specified in Part IV. of this Schedule shall, in respect of yarn and tissues of artificial silk exported by any person who makes an application in that behalf to the Commissioners, have effect during such period, not being less than twelve months, as may be specified in the application in substitution for the rates of drawback set out in Part II. of this Schedule.

11. In calculating the amount of the drawback payable in respect of any tissue wholly or in part of silk or artificial silk, being tissue from which a portion of the surface has been burnt or cut away in the process of manufacture, the Commissioners shall make such allowance as seems to them proper in respect of any loss of weight due to the burning or cutting.

12. No drawback shall be payable in respect of any articles unless it is shown to the satisfaction of the Commissioners that a duty imposed by this Act has been duly paid in respect of the articles or of the material from which the articles were made and that the articles have been duly exported as merchandise or shipped for use as stores.

13. No drawback shall be payable under this Schedule in respect of any article unless the Commissioners are satisfied that it has not been used or, in the case of an article of clothing, that it has not been used otherwise than as a model for trade exhibition.

14. Section one hundred and six of the Customs (Consolidation) Act, 1876, so far as it relates to the case where goods are found to be of less value for home use than the amount of the drawback claimed, shall not apply to articles of clothing used only as models for trade exhibition.

15. The Commissioners may, in relation to any articles to which this Schedule applies, relax as they may think fit any provisions contained in the Customs (Consolidation) Act, 1876, or in any enactment amending that Act, with respect to the giving of security or entry before shipment.

39 & 40 Vict. c. 36.

16. The Commissioners may make regulations requiring persons having been concerned at any stage with the goods in question to furnish such information as may be reasonably necessary for enabling a calculation to be made of the drawback payable on the exportation of any silk or artificial silk, and if any person contravenes or fails to comply with any such regulation, he shall

in respect of every offence be liable to an excise penalty of fifty pounds.

17. In this Schedule, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them respectively, that is to say :—

"Tissue" includes tissues of all kinds and of any width, whether woven or knitted;

"Discharged" means "from which the gum has been removed";

"Silk yarn" means thrown or spun silk, silk yarn and silk threads of all kinds;

"Artificial silk yarn" means artificial silk yarn, thread and straw.

PART IV.

ALTERNATIVE SCALE OF DRAWBACKS IN RESPECT OF ARTIFICIAL SILK.

Article.	Rates of drawback. In respect of material contained in the goods being material on which a Customs duty was paid.	Rates of drawback. In respect of material contained in the goods being material on which an Excise duty was paid.
	s. *d.*	*s.* *d.*
Singles yarn made from staple fibre or other waste - the lb.	1 2	0 7
Doubled or twisted thread advanced beyond the stage of singles yarn—		
Made from staple fibre or other waste - the lb.	1 3	0 8
Made from singles yarn the lb.	2 3	1 2
Tissues—		
Made from staple fibre or other waste - the lb.	1 4	0 9
Made from singles yarn the lb.	2 4	1 3

Sections 8, 9.

THIRD SCHEDULE.

PART I.

PREFERENTIAL REDUCTIONS OF CUSTOMS DUTIES IN CASE OF SUGAR, MOLASSES, GLUCOSE AND SACCHARIN.

Article.	Amount of reduction.
	s. *d.*
Sugar which, when tested by the polariscope indicates a polarisation exceeding ninety-eight degrees - - - - - - - the cwt.	4 $3\frac{1}{3}$
Sugar of a polarisation not exceeding seventy-six degrees - - - - - - - the cwt.	2 $0\frac{2}{3}$
Sugar of a polarisation—	
Exceeding 76 and not exceeding 77 - the cwt.	2 1·5
„ 77 „ „ 78 - „	2 2·3
„ 78 „ „ 79 - „	2 3·1
„ 79 „ „ 80 - „	2 4·0
„ 80 „ „ 81 - „	2 4·8
„ 81 „ „ 82 - „	2 5·6
„ 82 „ „ 83 - „	2 6·4
„ 83 „ „ 84 - „	2 7·3
„ 84 „ „ 85 - „	2 8·3
„ 85 „ „ 86 - „	2 9·2
„ 86 „ „ 87 - „	2 10·1
„ 87 „ „ 88 - „	2 11·1
„ 88 „ „ 89 - „	3 0·2
„ 89 „ „ 90 - „	3 1·4
„ 90 „ „ 91 - „	3 2·6
„ 91 „ „ 92 - „	3 3·9
„ 92 „ „ 93 - „	3 5·1
„ 93 „ „ 94 - „	3 6·3
„ 94 „ „ 95 - „	3 7·6
„ 95 „ „ 96 - „	3 8·8
„ 96 „ „ 97 - „	3 10·0
„ 97 „ „ 98 - „	3 11·3

Article.	Amount of reduction.
	s. d.
Molasses (except when cleared for use by a licensed distiller in the manufacture of spirits) and invert sugar and all other sugar and extracts from sugar which cannot be completely tested by the polariscope and on which duty is not specially charged by reference to the other provisions of this Part of this Schedule :—	
If containing 70 per cent. or more of sweetening matter - - - - - - - the cwt.	2 8½
If containing less than 70 per cent. and more than 50 per cent. of sweetening matter the cwt.	1 11⅓
If containing not more than 50 per cent. of sweetening matter - - - the cwt.	0 11½
The amount of sweetening matter to be taken to be the total amount of cane, invert and other sugar contained in the article as determined by analysis in manner directed by the Commissioners—	
Glucose :	
Solid - - - - - - - the cwt.	2 8½
Liquid - - - - - - „	1 11⅓
Saccharin (including substances of a like nature or use) - - - - - the oz.	1 4½

PART II.

PREFERENTIAL RATES IN CASE OF TOBACCO, CURRANTS, DRIED FRUITS AND WINE.

Goods.	Rates of duty.
Tobacco - - - - - -	Three-fourths of the full rate.
Currants - - - -	Free of duty.
Dried or preserved fruit (within the meaning of section eight of the Finance (No. 2) Act, 1915) - - - -	
Wine, exceeding 30° of proof spirit.	Thirty-three and one-third per cent. of the full rate.
Sparkling wine (additional duty) -	Fifty per cent. of the full rate.

3RD SCH. —*cont.*

PART III.

PREFERENTIAL RATES IN RESPECT OF THE NEW CUSTOMS DUTIES.

Goods.	Rates of duty.
Goods on which a duty is imposed by section 3 of this Act.	Two-thirds of the full rate.
Silk and artificial silk - -	Five-sixths of the full rate.
Hops - - - - - -	Two-thirds of the full rate.
Lace and embroidery - - -	Two-thirds of the full rate.

Section 22.

FOURTH SCHEDULE.

SCALE OF RATES OF ESTATE DUTY.

Principal Value of the Estate.						Rate per cent. of duty.
	£			£		
Exceeding	100	and not exceeding		500	- -	1
,,	500	,,	,,	1,000	- -	2
,,	1,000	,,	,,	5,000	- -	3
,,	5,000	,,	,,	10,000	- -	4
,,	10,000	,,	,,	12,500	- -	5
,,	12,500	,,	,,	15,000	- -	6
,,	15,000	,,	,,	18,000	- -	7
,,	18,000	,,	,,	21,000	- -	8
,,	21,000	,,	,,	25,000	- -	9
,,	25,000	,,	,,	30,000	- -	10
,,	30,000	,,	,,	35,000	- -	11
,,	35,000	,,	,,	40,000	- -	12
,,	40,000	,,	,,	45,000	- -	13
,,	45,000	,,	,,	50,000	- -	14
,,	50,000	,,	,,	55,000	- -	15
,,	55,000	,,	,,	65,000	- -	16
,,	65,000	,,	,,	75,000	- -	17
,,	75,000	,,	,,	85,000	- -	18
,,	85,000	,,	,,	100,000	- -	19
,,	100,000	,,	,,	120,000	- -	20
,,	120,000	,,	,,	140,000	- -	21
,,	140,000	,,	,,	170,000	- -	22
,,	170,000	,,	,,	200,000	- -	23
,,	200,000	,,	,,	250,000	- -	24

4TH SCH. —*cont.*

Principal Value of the Estate.					Rate per cent. of duty.
	£			£	
Exceeding	250,000	and not exceeding		325,000	25
„	325,000	„	„	400,000	26
„	400,000	„	„	500,000	27
„	500,000	„	„	750,000	28
„	750,000	„	„	1,000,000	29
„	1,000,000	„	„	1,250,000	30
„	1,250,000	„	„	1,500,000	32
„	1,500,000	„	„	2,000,000	35
„	2,000,000	„	„	- - -	40

FIFTH SCHEDULE.

Section 28.

ENACTMENT REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 18.	The Finance Act, 1920 -	Section sixteen.

CHAPTER 37.

An Act to provide for the exemption, in certain circumstances, of Foreign ships and British ships registered outside the United Kingdom from certain provisions of the Merchant Shipping Acts. [30th June 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Power to exempt foreign ships from certain provisions of Merchant Shipping Acts.

1. Where His Majesty is satisfied that—

(*a*) ships of a foreign country are required by the law of that country to comply with any provisions which are substantially the same as or equally effective with any provisions of the Merchant Shipping Acts which apply to foreign ships while they are within a port of the United Kingdom; and

(*b*) that country has made or has undertaken to make provision for the exemption of British ships, while they are within a port of that country, from the corresponding requirement of the law of that country;

His Majesty may, by Order in Council, direct that any such provisions of the Merchant Shipping Acts as aforesaid shall not apply to any ship of that country within a port of the United Kingdom if it is proved that the ship complies with the corresponding provision of the law of that country applicable to that ship.

Power to exempt British ships registered out of the United Kingdom from certain provisions of Merchant Shipping Acts.

2. Where His Majesty is satisfied that British ships registered in a part of His Majesty's dominions outside the United Kingdom, or ships registered in a port of a territory over which His Majesty exercises jurisdiction, are required by the law of that part of His Majesty's dominions or the law in force in that territory to comply with any provisions which are substantially the same as, or equally effective with, any of the provisions of the Merchant Shipping Acts which apply to such ships if, but only if, they are within a port of the United Kingdom, His Majesty may, by Order in Council, direct that any such provisions of the Merchant Shipping Acts as aforesaid shall not apply to any ship registered in that part of His Majesty's dominions, or in that territory, whilst within a port in the United Kingdom, if it is proved that the ship complies with the corresponding provision of the law of the part of His Majesty's dominions or territory in which the ship is registered.

Short title, construction, &c.

3.—(1) This Act may be cited as the Merchant Shipping (Equivalent Provisions) Act, 1925, and shall be construed as one with the Merchant Shipping Acts, 1894

to 1923, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1925.

(2) In this Act the expression "the Merchant Shipping Acts" means the Merchant Shipping Acts, 1894 to 1923, and includes any Orders in Council, rules and regulations made thereunder, and the expression "United Kingdom" means Great Britain and Northern Ireland.

CHAPTER 38.

An Act to regulate the Exhibition and Training of Performing Animals. [30th June 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Restriction on exhibition and training of performing animals.

1.—(1) No person shall exhibit or train any performing animal unless he is registered in accordance with this Act.

(2) Every local authority shall keep a register for the purpose of this Act, and any person who exhibits or trains animals as aforesaid on making an application in the prescribed form to the local authority of the district in which he resides, or if he has no fixed place of residence in Great Britain, to the local authority of such one of the prescribed districts as he may choose, and on payment of the prescribed fee shall be registered under this Act, unless he is a person, who, in pursuance of an order of the court made under this Act, is prohibited from being so registered.

(3) Any application for registration under this Act shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register.

(4) The local authority shall give to every person whose name appears on the register kept by them a certificate of registration in the prescribed form containing the particulars entered in the register.

(5) Every register kept under this Act shall at all reasonable times be open for inspection on payment of the prescribed fee, and any person shall on payment of the prescribed fee be entitled to take copies thereof or make extracts therefrom.

(6) Any person entered on the register shall, subject to the provisions of any order made under this Act by any court, be entitled, on making application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied the existing certificate shall be cancelled and a new certificate issued.

(7) A copy of every certificate of registration issued by a local authority shall be transmitted by the authority to the Secretary of State and shall be available for inspection at all reasonable times subject to payment of the prescribed fee.

Power of courts to prohibit or restrict exhibition and training of performing animals.

2.—(1) Where it is proved to the satisfaction of a court of summary jurisdiction on a complaint made by a constable or an officer of a local authority that the training or exhibition of any performing animal has been accompanied by cruelty and should be prohibited or allowed only subject to conditions, the court may make an order against the person in respect of whom the complaint is made prohibiting the training or exhibition or imposing such conditions thereon as may be specified by the order.

(2) If any person is aggrieved by the making of such an order or a refusal to make such an order, he may appeal to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts.

(3) An order made under this Act shall not come into force until seven days after it is made, or, if an appeal has been entered within that period, until the determination of the appeal.

(4) Any court by which an order is made under this section shall cause a copy of the order to be sent as soon as may be after the order comes into force to the local authority by which the person against whom

the order is made is registered and to the Secretary of State, and shall cause the particulars of the order to be endorsed upon the certificate held by that person, and that person shall produce his certificate on being so required by the court for the purposes of endorsement. A local authority to which a copy of an order is sent under this section shall enter the particulars of the order on the register.

Power to enter premises.

3.—(1) Any officer of a local authority duly authorised in that behalf by the local authority and any constable may—

(*a*) enter at all reasonable times and inspect any premises in which any performing animals are being trained or exhibited, or kept for training or exhibition, and any such animals found therein; and

(*b*) require any person who he has reason to believe is a trainer or exhibitor of performing animals to produce his certificate.

(2) No constable or such officer as aforesaid shall be entitled under this section to go on or behind the stage during a public performance of performing animals.

Offences and legal proceedings.

4.—(1) If any person—

(*a*) not being registered under this Act exhibits or trains any performing animal; or

(*b*) being registered under this Act exhibits or trains any performing animal with respect to which or in a manner with respect to which he is not registered; or

(*c*) being a person against whom an order by a court of summary jurisdiction has been made on complaint under this Act, contravenes or fails to comply with the order in any part of Great Britain, whether within or without the area of jurisdiction of that court; or

(*d*) obstructs or wilfully delays any constable or officer of a local authority in the execution of his powers under this Act as to entry or inspection; or

(*e*) conceals any animal with a view to avoiding such inspection; or

(*f*) being a person registered under this Act, on being duly required in pursuance of this Act to produce his certificate under this Act fails without reasonable excuse so to do; or

(*g*) applies to be registered under this Act when prohibited from being so registered;

he shall be guilty of an offence against this Act and shall be liable on summary conviction upon a complaint made by a constable or an officer of a local authority to a fine not exceeding fifty pounds.

(2) Where a person is convicted of an offence against this Act, or against the Protection of Animals Act, 1911, as amended by any subsequent enactment, the court before which he is convicted may in addition to or in lieu of imposing any other penalty—

1 & 2 Geo. 5. c. 27.

(*a*) if such person is registered under this Act order that his name be removed from the register;

(*b*) order that such person shall either permanently or for such time as may be specified in the order be disqualified for being registered under this Act;

and where such an order is made, the provisions of subsections (2), (3) and (4) of section two of this Act shall apply to the order as they apply to an order made under that section.

Interpretation, rules, and expenses.

5.—(1) For the purposes of this Act—

The expression "animal" does not include invertebrates:

The expression "exhibit" means exhibit at any entertainment to which the public are admitted, whether on payment of money or otherwise, and the expression "train" means train for the purpose of any such exhibition, and the expressions "exhibitor" and "trainer" have respectively the corresponding meanings:

The expression "local authority" means—

As respects the City of London, the common council;

As respects any county borough, the council of the borough;

As respects any other area, the council of the county:

The expression "prescribed" means prescribed by rules made by the Secretary of State.

(2) The Secretary of State may make rules for prescribing anything which is to be prescribed under this Act, and as to the execution and performance by local authorities of their powers and duties under this Act, and generally for carrying this Act into effect.

(3) Any expenses of a local authority under this Act, so far as not covered by fees, shall be defrayed in the case of the common council of the City of London, out of the general rate; in the case of the council of a county borough, out of the borough fund or borough rate; and in the case of the council of a county, out of the county fund; and the fee for registration shall in no case exceed one guinea.

Application to Scotland.

6. This Act shall apply to Scotland subject to the following modifications:—

(*a*) The expression "local authority" means a county council or a town council, and any expenses incurred by any such council under this Act so far as not covered by fees, shall be defrayed, in the case of a county council, out of the general purposes rate, and in the case of a town council, out of the burgh general improvement assessment or any other assessment leviable in equal proportions on owners and occupiers;

(*b*) References to a court of summary jurisdiction shall be construed as references to the sheriff; references to an appeal to quarter sessions shall not apply; and the Protection of Animals (Scotland) Act, 1912, shall be substituted for the Protection of Animals Act, 1911. 2 & 3 Geo. 5. c. 14.

Exceptions from application of Act.

7. This Act shall not apply to the training of animals for bona fide military, police, agricultural or sporting purposes, or the exhibition of any animals so trained.

Short title, commencement, and extent.

8.—(1) This Act may be cited as the Performing Animals (Regulation) Act, 1925.

(2) This Act shall not apply to Northern Ireland.

(3) This Act shall come into operation on the first day of January, nineteen hundred and twenty-six.

CHAPTER 39.

An Act to facilitate the preparation of Agricultural Statistics. [30th June 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to require returns.

1.—(1) The Minister of Agriculture and Fisheries may annually, by notice served on the occupier of any agricultural land in England or Wales or on the person having the management on behalf of the occupier of any such land, require him to make within such time, not being less than twenty-one days, as is specified in the notice, and in such form and to such person as the Minister may prescribe by regulations made under this Act, a return in writing of the acreage of land in cultivation, specifying the acreage of the several crops thereon, and of the acreage of land in fallow or used for grazing and of the live stock on the land, and of the persons employed thereon, showing separately the numbers of persons in regular and in casual employment, and, if the occupier is also the owner of the land, that fact shall be stated in the return.

The return shall be made with respect to the conditions existing on such day as may be specified in the notice.

(2) No individual return or part of a return made under this Act shall be used, published or disclosed

without the authority of the person making it or of the occupier on whose behalf it is made, except for the purposes of the preparation and publication by the Minister of agricultural statistics or of a prosecution under this Act.

(3)—(*a*) Any person who refuses, or without lawful excuse, neglects to make a return required under this Act to be made by him shall be liable on summary conviction to a fine not exceeding five pounds.

(*b*) If any person makes a return under this Act which is to his knowledge untrue in any material particular, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(4) Any person who uses, publishes, or discloses contrary to the provisions of this Act any individual return or part of a return shall be liable on summary conviction to a fine not exceeding fifty pounds, or if the court is of opinion that the offence was committed wilfully, to imprisonment with or without hard labour for a period not exceeding three months.

(5) This section does not apply in any case where the total acreage of the agricultural land occupied by a person does not exceed one acre.

(6) Any notice under this Act may be served on the person to whom it is addressed either personally or by post, and, in the case of a notice to an occupier, may be addressed to "the occupier" without naming him.

(7) The expression "agricultural land" includes land used as grazing, meadow, or pasture land, or orchard, and any land used wholly or mainly for the purpose of the trade or business of a market-gardener or nurseryman.

(8) Before any regulation is made under this Act, a draft thereof shall be laid before each House of Parliament, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft.

Application to Scotland and extent.

2.—(1) This Act in its application to Scotland shall have effect with the substitution of references to the Board of Agriculture for Scotland for references to the

Minister of Agriculture and Fisheries and of a reference to Scotland for the reference to England or Wales, and with the further modification that the definition of agricultural land shall be extended so as to include land used as a deer forest.

(2) This Act shall not extend to Northern Ireland.

Short title.

3. This Act may be cited as the Agricultural Returns Act, 1925.

CHAPTER 40.

An Act to amend the Third Schedule to the Valuation (Metropolis) Act, 1869, in relation to the making and revision of the valuation list which will come into force on the sixth day of April, nineteen hundred and twenty-six.

[30th June 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of Schedule III. of 32 & 33 Vict. c. 67.

1.—(1) The Valuation (Metropolis) Act, 1869, (in this Act referred to as "the principal Act") shall, for the purpose of the making of the valuation list thereunder which will come into force on the sixth day of April, nineteen hundred and twenty-six, and for the purpose of the revision of that list (but not including the making of a new valuation list), have effect as if for the Third Schedule to the principal Act (which Schedule shows the several classes into which the hereditaments inserted in a valuation list under the principal Act are to be divided and the maximum rate of deductions which may be allowed for the purpose of ascertaining rateable value) there were as respects the classes of hereditaments therein numbered 1, 2, 3, 4, and 5 (including houses and buildings let out in separate tenements), substituted the provisions contained in Part I. of the Schedule to this Act:

Provided that—

(*a*) where the rateable value of any hereditament if calculated on the basis of allowing a deduction from gross value at the maximum rate authorised by Part I. of the Schedule to this Act (hereinafter referred to as "the normal rateable value") would exceed the rateable value which would be produced by taking as the gross value of the hereditament its gross value as ultimately appearing in the valuation list which came into force on the sixth day of April, nineteen hundred and sixteen, increased by forty per cent. (in this Act referred to as "the increased gross value") and deducting from the increased gross value an amount equal to the maximum deduction allowed under Part II. of the said Schedule, the normal rateable value may, unless the case is one to which paragraph (*b*) hereinafter contained applies, be reduced to an amount not less than the rateable value which would be produced as aforesaid; and

(*b*) in the case of a hereditament which was not included in the said valuation list or the gross value of which as shown in the said valuation list has been increased by reason of structural alterations or has been increased by more than forty per cent., there may, instead of the deduction at the rate authorised by Part I. of the said Schedule, be allowed as a deduction for the purpose of ascertaining rateable value such an amount as appears equitable having regard to all the circumstances of the case but not exceeding the maximum amount which would be allowed by way of deduction under the scale contained in Part II. of the said Schedule if the said Part II. referred to the gross value of the hereditament to be entered in the new valuation list instead of to increased gross value; and

(*c*) if in the case of any hereditament being or forming part of a house or building let out in separate tenements the rateable value

which would be produced under this Act exceeds the rateable value which would have been produced under the provisions of the principal Act, the rateable value of the hereditament shall be determined in accordance with those provisions.

(2) Where the amount of the rateable value calculated in accordance with the provisions of the principal Act, as amended by this Act, includes a fraction of a pound, that fraction shall be disregarded and the amount to be entered in the valuation list reduced accordingly.

Short title.

2. This Act may be cited as the Valuation (Metropolis) Amendment Act, 1925.

SCHEDULE.

PART I.

Class of Hereditaments.	Maximum Amount of Deduction.
CLASS 1.—Houses and buildings without land other than gardens where the gross value does not exceed £40.	An amount equal to $\frac{1}{4}$ of the gross value.
CLASS 2.—Houses and buildings without land other than gardens where the gross value exceeds £40 but does not exceed £100.	£10 or an amount equal to $\frac{1}{5}$ of the gross value, whichever is the greater.
CLASS 3.—Houses and buildings without land other than gardens where the gross value exceeds £100.	£20, together with an amount equal to $\frac{1}{6}$ of the amount by which the gross value exceeds £100.

PART II.

Class of Hereditaments.	Maximum Amount of Deduction.
CLASS 1 (*a*).—Houses and buildings without land other than gardens where the increased gross value does not exceed £20.	An amount equal to $\frac{2}{5}$ of the increased gross value.
CLASS 1 (*b*).—Houses and buildings without land other than gardens where the increased gross value exceeds £20 but does not exceed £40.	£8, together with an amount equal to $\frac{1}{3}$ of the amount by which the increased gross value exceeds £20.
CLASS 2.—Houses and buildings without land other than gardens where the increased gross value exceeds £40 but does not exceed £100.	£15, together with an amount equal to $\frac{1}{4}$ of the amount by which the increased gross value exceeds £40.
CLASS 3 (*a*).—Houses and buildings without land other than gardens where the increased gross value exceeds £100 but does not exceed £150.	£30, together with an amount equal to $\frac{1}{5}$ of the amount by which the increased gross value exceeds £100.
CLASS 3 (*b*).—Houses and buildings without land other than gardens where the increased gross value exceeds £150.	£40, or the maximum amount of deduction allowable under Part I. of the Schedule, whichever is the greater.

CHAPTER 41.

An Act to make further provision for the application of money paid on account of the China Indemnity. [30th June 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Application of China Indemnity.

1.—(1) Any sums received at any time after the first day of December, nineteen hundred and twenty-two,

on account of the China Indemnity shall, instead of being paid into the Exchequer and issued and applied in like manner as the new sinking fund, be paid to a fund to be called "the China Indemnity Fund," and, subject to the provisions of this section, be applied to such educational or other purposes, being purposes which are, in the opinion of the Secretary of State for Foreign Affairs beneficial to the mutual interests of His Majesty and of the Republic of China, as the said Secretary of State, after consultation with the advisory committee to be established under this Act, may from time to time determine.

(2) For the purpose of advising the said Secretary of State as to the application of the China Indemnity Fund, there shall be established an advisory committee consisting of eleven persons, who shall be appointed by the said Secretary of State, and of whom at least one shall be a woman and at least two shall be citizens of the Republic of China.

(3) Any expenses incurred by the said Secretary of State in or in connection with or for the purposes of the administration of the China Indemnity Fund shall be defrayed out of that fund.

(4) The said Secretary of State shall cause to be prepared, in such form as the Treasury may from time to time direct, in respect of each financial year an account showing the receipts and expenditure in that year in respect of the China Indemnity Fund, and the said account shall be examined by the Comptroller and Auditor General, and shall, together with his report thereon, be laid before each House of Parliament as soon as may be after the end of the year to which it relates.

Short title and repeal.

2.—(1) This Act may be cited as the China Indemnity (Application) Act, 1925.

6 Edw. 7. c. 8.

(2) Subsection (2) of section seven of the Finance Act, 1906, is hereby repealed.

CHAPTER 42.

An Act to give effect to certain Draft Conventions adopted by the International Labour Conference relating respectively to an unemployment indemnity for seamen in the case of loss or foundering of their ship, the minimum age for the admission of young persons to employment as trimmers and stokers, and the compulsory medical examination of children and young persons employed at sea.

[31st July 1925.]

WHEREAS at Genoa the General Conference of the International Labour Organisation of the League of Nations on the ninth day of July, nineteen hundred and twenty, adopted a draft convention concerning unemployment indemnity for seamen in case of loss or foundering of their ship, and at Geneva on the eleventh day of November, nineteen hundred and twenty-one, adopted two other draft conventions, namely, a draft convention fixing the minimum age for the admission of young persons to employment as trimmers and stokers, and a draft convention concerning the compulsory medical examination of children and young persons employed at sea:

And whereas the said draft conventions contain (together with other provisions) the provisions set out in Parts I., II. and III. respectively of the First Schedule to this Act:

And whereas it is expedient that for the purpose of giving effect to the said draft conventions such provision should be made as is contained in this Act:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 158 of Merchant Shipping Act, 1894.

1.—(1) Where by reason of the wreck or loss of a ship on which a seaman is employed his service terminates before the date contemplated in the agreement, he shall, notwithstanding anything in section one hundred and

57 & 58 Vict. c. 60.

fifty-eight of the Merchant Shipping Act, 1894, but subject to the provisions of this section, be entitled, in respect of each day on which he is in fact unemployed during a period of two months from the date of the termination of the service, to receive wages at the rate to which he was entitled at that date.

(2) A seaman shall not be entitled to receive wages under this section if the owner shows that the unemployment was not due to the wreck or loss of the ship and shall not be entitled to receive wages under this section in respect of any day if the owner shows that the seaman was able to obtain suitable employment on that day.

(3) In this section the expression "seaman" includes every person employed or engaged in any capacity on board any ship, but, in the case of a ship which is a fishing-boat, does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the boat.

Employment of young persons as trimmers or stokers.

2.—(1) Subject to the provisions of this section, no young person shall be employed or work as a trimmer or stoker in any ship:

Provided that—

(*a*) The foregoing provision shall not apply—

(i) to the employment of a young person on such work as aforesaid in a school-ship or training-ship if the work is of a kind approved by the Board of Trade and is carried on subject to supervision by officers of the Board; or

(ii) to the employment of a young person on such work as aforesaid in a ship which is mainly propelled otherwise than by means of steam; or

(iii) to the employment of a young person subject to and in accordance with the provisions contained in paragraph (*c*) of Article 3 of the draft convention set out in Part II. of the First Schedule to this Act; and

(*b*) Where in any port a trimmer or stoker is required for any ship and no person over the age of eighteen years is available to fill the

place, a young person over the age of sixteen years may be employed as a trimmer or stoker, but in any such case two young persons over the age of sixteen years shall be employed to do the work which would otherwise have been performed by one person over the age of eighteen years.

(2) There shall be included in every agreement with the crew a list of the young persons who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if young persons are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew.

(3) There shall be included in every agreement with the crew a short summary of the provisions of this section.

Medical examination of young persons.

3.—(1) Subject to the provisions of this section, no young person shall be employed in any capacity in any ship, unless there has been delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that the young person is fit to be employed in that capacity:

Provided that—

(*a*) the foregoing provisions shall not apply to the employment of a young person in a ship in which only members of the same family are employed; and

(*b*) a superintendent or consular officer may on the ground of urgency authorise a young person to be employed in a ship notwithstanding that no such certificate as aforesaid has been delivered to the master of the ship, but a young person in whose case any such authorisation is given shall not be employed beyond the first port at which the ship calls after the young person has embarked thereon, except subject to and in accordance with the foregoing provisions of this section.

(2) A certificate under this section shall remain in force for a period of twelve months from the date on which it is granted and no longer:

Provided that, if the said period of twelve months expires at some time during the course of the voyage of the ship in which the young person is employed, the certificate shall remain in force until the end of the voyage.

Penalties.

4.—(1) If any young person is employed in any ship in contravention of the provisions of this Act, the master of the ship shall be liable to a fine not exceeding forty shillings, or, in the case of a second or subsequent offence, not exceeding five pounds, and where a young person is taken into employment in any ship in contravention of the provisions of this Act on the production by, or with the privity of, the parent of a false or forged certificate or on a false representation by the parent that the young person is of an age at which such employment is not in contravention of the said provisions, that parent shall be liable on summary conviction to a fine not exceeding forty shillings.

(2) If the master of a ship fails to keep such a register as is required to be kept by him under this Act, or, on being so required by an officer of the Board of Trade or any other person having power to enforce compliance with the provisions of the Merchant Shipping Acts, 1894 to 1923, refuses or neglects to produce for inspection by that officer or person any such register as aforesaid or any certificate delivered to him under this Act, he shall be liable to a fine not exceeding twenty pounds.

Interpretation.

5. In this Act—

The expression "young person" means a person who is under the age of eighteen years:

The expression "ship" means any sea-going ship or boat of any description which is registered in the United Kingdom as a British ship, and includes any British fishing-boat entered in the fishing-boat register, but does not include any tug, dredger, sludge vessel, barge, or other craft whose ordinary course of navigation does not extend beyond the seaward limits of the jurisdiction of the harbour authority of the port at which such vessel is regularly employed, if and so long as such vessel is engaged in her ordinary occupation.

Power to apply Act to British possessions.

6.—(1) His Majesty may by Order in Council direct that the provisions of this Act shall, subject to such modifications and adaptations, to be specified in the Order, as appear to His Majesty necessary or expedient in the circumstances of the case, apply to ships registered in any British possession outside the United Kingdom, other than the Dominions mentioned in the Second Schedule to this Act, as they apply to ships registered in the United Kingdom.

(2) The reference in this section to British possessions shall include a reference to territories which are under His Majesty's protection and territories in respect of which a mandate has been accepted by His Majesty, other than any such territories in respect of which the mandate is being exercised by the Government of any of the Dominions mentioned in the said Second Schedule.

(3) An Order in Council made under this section may be varied or revoked by a subsequent Order.

Short title and construction.

7. This Act may be cited as the Merchant Shipping (International Labour Conventions) Act, 1925, and shall be construed as one with the Merchant Shipping Acts, 1894 to 1923, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1925.

SCHEDULES.

FIRST SCHEDULE.

Preamble. Section 2.

PART I.

DRAFT CONVENTION CONCERNING UNEMPLOYMENT INDEMNITY IN CASE OF LOSS OR FOUNDERING OF THE SHIP.

ARTICLE 1.

For the purpose of this Convention, the term "seamen" includes all persons employed on any vessel engaged in maritime navigation.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged

1ST SCH. —*cont.*

in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2.

In every case of loss or foundering of any vessel the owner or person with whom the seaman has contracted for service on board the vessel shall pay to each seaman employed thereon an indemnity against unemployment resulting from such loss or foundering.

This indemnity shall be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total indemnity payable under this Convention to any one seaman may be limited to two months' wages.

ARTICLE 3.

Seamen shall have the same remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service.

ARTICLE 4.

Each member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

(*a*) Except where owing to the local conditions its provisions are inapplicable; or

(*b*) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

PART II.

DRAFT CONVENTION FIXING THE MINIMUM AGE FOR THE ADMISSION OF YOUNG PERSONS TO EMPLOYMENT AS TRIMMERS OR STOKERS.

ARTICLE 1.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2.

Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

ARTICLE 3.

The provisions of Article 2 shall not apply :

(*a*) To work done by young persons on school-ships or training-ships, provided that such work is approved and supervised by public authority ;

(*b*) To the employment of young persons on vessels mainly propelled by other means than steam ;

(*c*) To young persons of not less than sixteen years of age, who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in the coastal trade of India and of Japan, subject to regulations made after consultation with the most representative organisations of employers and workers in those countries.

ARTICLE 4.

When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

ARTICLE 5.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of eighteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

ARTICLE 6.

Articles of agreement shall contain a brief summary of the provisions of this Convention.

ARTICLE 11.

Each member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

1ST SCH. —*cont.*

PART III.

DRAFT CONVENTION CONCERNING THE COMPULSORY MEDICAL EXAMINATION OF CHILDREN AND YOUNG PERSONS EMPLOYED AT SEA.

ARTICLE 1.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2.

The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

ARTICLE 3.

The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production, after each such examination, of a further medical certificate attesting fitness for such work. Should a medical certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage.

ARTICLE 4.

In urgent cases, the competent authority may allow a young person below the age of eighteen years to embark without having undergone the examination provided for in Articles 2 and 3 of this Convention, always provided that such an examination shall be undergone at the first port at which the vessel calls.

ARTICLE 9.

Each member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

SECOND SCHEDULE.

Section 6.

DOMINIONS TO WHICH ACT MAY NOT BE APPLIED BY ORDER IN COUNCIL.

British India.
The Dominion of Canada.
The Commonwealth of Australia (including Papua and Norfolk Island).
The Dominion of New Zealand.
The Union of South Africa.
The Irish Free State.
Newfoundland.

CHAPTER 43.

An Act to repeal certain enactments imposing disabilities on former enemy aliens.

[31st July 1925.]

WHEREAS at London on the second day of December, nineteen hundred and twenty-four, a Treaty of Commerce and Navigation, with a Protocol annexed thereto, was signed on behalf of His Majesty and the President of the German Reich:

And whereas the said Protocol contained the provision set forth in the First Schedule to this Act:

And whereas, in order to enable the said Treaty to be ratified, it is expedient that the disabilities referred to in the said provision should be removed as respects German citizens and German companies, and it is also expedient that, when the said disabilities are removed as respects German citizens and companies, they should also be removed as respects the subjects, citizens and companies of the other former enemy countries to which they apply:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

Repeal of certain enactments imposing disabilities on former enemy aliens.

1. The enactments mentioned in the Second Schedule to this Act which impose disabilities on subjects, citizens and companies of former enemy countries in respect of the non-ferrous metal industry, service on board British ships registered in the United Kingdom, and the carrying on of banking business within the United Kingdom, shall, as from the commencement of this Act, be repealed to the extent specified in the third column of that schedule.

Short title, extent, and commencement.

2.—(1) This Act may be cited as the Former Enemy Aliens (Disabilities Removal) Act, 1925.

(2) This Act shall extend to Northern Ireland.

(3) This Act shall come into operation on such date as may be certified by a Secretary of State, by notice published in the London, Edinburgh and Belfast Gazettes, to be the date on which ratifications of the said Treaty are exchanged.

SCHEDULES.

Preamble.

FIRST SCHEDULE.

PROVISION OF PROTOCOL.

His Britannic Majesty's Government undertake to recommend to Parliament the necessary legislation for the removal of the disabilities imposed by the legislation specified below affecting German citizens and German companies in the United Kingdom which do not extend to the subjects or citizens or companies of the most favoured foreign country, viz. :—

Non-Ferrous Metal Industries Act, 1918.

Aliens Restriction (Amendment) Act, 1919. (Section 12.)

Trading with the Enemy (Amendment) Act, 1918. (Section 2.)

SECOND SCHEDULE.

Section 1.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
7 & 8 Geo. 5, c. 67.	The Non-Ferrous Metal Industry Act, 1918.	The whole Act.
8 & 9 Geo. 5, c. 31.	The Trading with the Enemy (Amendment) Act, 1918.	Section two.
9 & 10 Geo. 5, c. 92.	The Aliens Restriction (Amendment) Act, 1919.	In section five the words "other "than former "enemy aliens" and section twelve.

CHAPTER 44.

An Act to facilitate the supply of electricity by statutory gas companies. [31st July 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

As to granting of Electricity Orders to statutory gas companies.

1. Statutory gas companies may apply for special Orders under the Electricity (Supply) Acts, 1882 to 1922, and such companies may use their funds in the promotion of such applications.

Providing for capital powers to statutory gas companies for electricity purposes.

2. The Electricity Commissioners may by special Order under the Electricity (Supply) Acts, 1882 to 1922, subject after consultation in each case with the Board of Trade to such conditions, limitations and provisions (including the keeping of separate accounts) as they see fit to impose or insert, empower any statutory gas company to apply their funds, and to

raise capital or borrow money from time to time for electricity purposes authorised by any Act of Parliament or any Order having the force of an Act of Parliament:

Provided that the principal moneys secured by any mortgage debenture or debenture stock authorised by any such special Order shall rank after any mortgage debenture or debenture stock of any such company existing at the time such Order was made.

Definition.

3. The expression "statutory gas companies" means any company or person authorised to sell gas by any Act of Parliament or any Order having the force of an Act of Parliament.

Short title.

4. This Act may be cited as the Statutory Gas Companies (Electricity Supply Powers) Act, 1925.

CHAPTER 45.

An Act to amend the Law with respect to the Guardianship, Custody and Marriage of Infants.

[31st July 1925.]

9 & 10 Geo. 5. c. 71.

WHEREAS Parliament by the Sex Disqualification (Removal) Act, 1919, and various other enactments, has sought to establish equality in law between the sexes, and it is expedient that this principle should obtain with respect to the guardianship of infants and the rights and responsibilities conferred thereby:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Principle on which questions relating to custody, upbringing, &c. of infants are to be decided.

1. Where in any proceeding before any court (whether or not a court within the meaning of the Guardianship of Infants Act, 1886) the custody or upbringing of an infant, or the administration of any property belonging to or held on trust for an infant, or the application of the income thereof, is in question, the court, in deciding that question, shall regard the welfare of the infant as the first and paramount consideration,

and shall not take into consideration whether from any other point of view the claim of the father, or any right at common law possessed by the father, in respect of such custody, upbringing, administration or application is superior to that of the mother, or the claim of the mother is superior to that of the father. 49 & 50 Vict. c. 27.

Equal right of mother to apply to court.

2. The mother of an infant shall have the like powers to apply to the court in respect of any matter affecting the infant as are possessed by the father.

Amendment of 49 & 50 Vict. c. 27. s. 5 with respect to the custody and maintenance of infants.

3.—(1) The power of the court under section five of the Guardianship of Infants Act, 1886, to make an order as to the custody of an infant and the right of access thereto may be exercised notwithstanding that the mother of the infant is then residing with the father of the infant.

(2) Where the court under the said section as so amended makes an order giving the custody of the infant to the mother, then, whether or not the mother is then residing with the father, the court may further order that the father shall pay to the mother towards the maintenance of the infant such weekly or other periodical sum as the court, having regard to the means of the father, may think reasonable.

(3) No such order, whether for custody or maintenance, shall be enforceable and no liability thereunder shall accrue while the mother resides with the father, and any such order shall cease to have effect if for a period of three months after it is made the mother of the infant continues to reside with the father.

(4) Any order so made may, on the application either of the father or the mother of the infant, be varied or discharged by a subsequent order.

Rights of surviving parent as to guardianship.

4.—(1) On the death of the father of an infant, the mother, if surviving, shall, subject to the provisions of this Act, be guardian of the infant, either alone or jointly with any guardian appointed by the father. When no guardian has been appointed by the father or if the guardian or guardians appointed by the father is or are dead or refuses or refuse to act, the court may if it thinks fit appoint a guardian to act jointly with the mother.

(2) On the death of the mother of an infant, the father, if surviving, shall, subject to the provisions of this Act, be guardian of the infant, either alone or jointly with any guardian appointed by the mother. When no guardian has been appointed by the mother or if the guardian or guardians appointed by the mother is or are dead or refuses or refuse to act, the court may if it thinks fit appoint a guardian to act jointly with the father.

(3) Section two of the Guardianship of Infants Act, 1886, is hereby repealed.

Power of father and mother to appoint testamentary guardians.

5.—(1) The father of an infant may by deed or will appoint any person to be guardian of the infant after his death.

(2) The mother of an infant may by deed or will appoint any person to be guardian of the infant after her death.

(3) Any guardian so appointed shall act jointly with the mother or father, as the case may be, of the infant so long as the mother or father remains alive unless the mother or father objects to his so acting.

(4) If the mother or father so objects, or if the guardian so appointed as aforesaid considers that the mother or father is unfit to have the custody of the infant, the guardian may apply to the court, and the court may either refuse to make any order (in which case the mother or father shall remain sole guardian) or make an order that the guardian so appointed shall act jointly with the mother or father, or that he shall be sole guardian of the infant, and in the latter case may make such order regarding the custody of the infant and the right of access thereto of its mother or father as, having regard to the welfare of the infant, the court may think fit, and may further order that the mother or father shall pay to the guardian towards the maintenance of the infant such weekly or other periodical sum as, having regard to the means of the mother or father, the court may consider reasonable.

(5) Where guardians are appointed by both parents, the guardians so appointed shall after the death of the surviving parent act jointly.

(6) If under the preceding section a guardian has been appointed by the court to act jointly with a

surviving parent, he shall continue to act as guardian after the death of the surviving parent; but if the surviving parent has appointed a guardian, the guardian appointed by the court shall act jointly with the guardian appointed by the surviving parent.

(7) Section three of the Guardianship of Infants Act, 1886, is hereby repealed.

Disputes between joint guardians.

6. Where two or more persons act as joint guardians of an infant and they are unable to agree on any question affecting the welfare of the infant, any of them may apply to the court for its direction, and the court may make such order regarding the matters in difference as it may think proper.

Extension of jurisdiction to courts of summary jurisdiction.

7.—(1) For the purposes of the Guardianship of Infants Act, 1886, as amended by this Act, the expression "the court" shall include a court of summary jurisdiction:

Provided that a court of summary jurisdiction shall not be competent—

(*a*) to entertain any application other than an application for variation or discharge of an existing order under the Guardianship of Infants Act, 1886, as so amended, relating to an infant who has attained the age of sixteen years, unless the infant is physically or mentally incapable of self support; or

(*b*) to entertain any application involving the administration or application of any property belonging to or held in trust for an infant, or the income thereof; or

(*c*) to award the payment of sums towards the maintenance of any infant exceeding twenty shillings a week.

(2) The Lord Chancellor may make rules regulating the procedure in courts of summary jurisdiction under this section, and may by those rules make provision for enabling of applications to be heard and determined otherwise than in open court.

(3) Where on an application to a court of summary jurisdiction under the Guardianship of Infants Act, 1886, as amended by this Act, the court makes or refuses to make an order, an appeal shall, in accordance with rules of court, lie to the High Court:

Provided that, where any such application is made to a court of summary jurisdiction, and the court considers that the matter is one which would more conveniently be dealt with by the High Court, the court of summary jurisdiction may refuse to make an order, and in such case no appeal shall lie to the High Court.

(4) An order of a court of summary jurisdiction for the payment of money under the Guardianship of Infants Act, 1886, as amended by this Act, shall be enforceable in like manner as an order for the payment of a civil debt recoverable summarily.

(5) Where an order made by a court of summary jurisdiction under the Guardianship of Infants Act, 1886, as amended by this Act, contains a provision committing to the applicant the legal custody of any infant a copy of the order may be served on any person in whose actual custody the infant may for the time being be, and thereupon the provision may, without prejudice to any other remedy open to the applicant, be enforced under subsection (2) of section thirty-four of the Summary Jurisdiction Act, 1879, as if it were an order of the court requiring that person to give up the infant to the applicant.

42 & 43 Vict c. 49.

(6) This section shall not extend to Scotland.

Enforcement of orders for payment of money.

8.—(1) Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money under the Guardianship of Infants Act, 1886, as amended by this Act, shall give notice of any change of address to such person (if any) as may be specified in the order, and any person failing without reasonable excuse to give such a notice shall be liable on summary conviction to a fine not exceeding two pounds.

(2) Where the court has made any such order, the court shall, in addition to any other powers for enforcing compliance with the order, have power, in any case where there is any pension or income payable to the person against whom the order is made and capable of being attached, after giving the person by whom the pension or income is payable an opportunity of being heard, to order that such part as the court may think fit of any such pension or income, be attached and paid to the person named by the court, and such further order

shall be an authority to the person by whom such pension or income is payable to make the payment so ordered, and the receipt of the person to whom the payment is ordered to be made shall be a good discharge to the person by whom the pension or income is payable.

(3) In the application of this section to Scotland, the expression "arrested" shall be substituted for the expression "attached."

Consents required to marriage of infants.

9.—(1) The consent required to the marriage of an infant, in the case of a marriage intended to be solemnized or contracted on the issue of any certificate by a superintendent registrar whether by licence or without licence, shall be that of the persons or person mentioned in the Schedule to this Act:

Provided that—

(*a*) if the superintendent registrar is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility or by reason of his being under any disability, the necessity for the consent of that person shall be dispensed with, if there is any other person whose consent is also required; and if the consent of no other person is required, the Registrar General may dispense with the necessity of obtaining any consent, or the court may, on application being made, consent to the marriage, and the consent of the court so given shall have the same effect as if it had been given by the person whose consent cannot be so obtained;

(*b*) if any person whose consent is required refuses his consent, the court may, on application being made, consent to the marriage, and the consent of the court so given shall have the same effect as if it had been given by the person whose consent is so refused.

(2) The foregoing subsection shall apply to marriages intended to be solemnized on the issue of a licence by an ecclesiastical authority having power to issue such a licence, with the substitution of references to that authority for references to the superintendent

registrar, and with the substitution of a reference to the Master of the Faculties for the reference to the Registrar-General.

(3) The persons whose consent is required to such marriage as aforesaid shall, in the case of a marriage intended to be solemnized after the declaration of banns, be the persons entitled to give notice of dissent under section eight of the Marriage Act, 1823.

4 Geo. 4. c. 76.

(4) For the purposes of this section, "the court" has the same meaning as in the Guardianship of Infants Act, 1886, as amended by this Act, and rules of court may be made for enabling applications under this section—

(*a*) if made to the High Court to be heard in chambers;

(*b*) if made to the county court to be heard and determined by the Registrar subject to appeal to the judge;

(*c*) if made to a court of summary jurisdiction to be heard and determined otherwise than in open court;

and shall provide that, where an application is made in consequence of a refusal to give consent, notice of the application shall be served on the person who has so refused consent.

(5) Sections sixteen and seventeen of the Marriage Act, 1823, are hereby repealed.

(6) Nothing in this section shall dispense with the necessity of obtaining the consent of the High Court to the marriage of a ward of court.

(7) This section shall not extend to Scotland.

Tutors.

10. In Scotland a father or mother acting as tutor of a pupil child by virtue of the common law or of the Guardianship of Infants Act, 1886, or of this Act, shall be deemed to be and always to have been a trustee within the meaning of the Trusts (Scotland) Act, 1921.

11 & 12 Geo. 5. c. 58.

Short title, construction, commencement, and extent.

11.—(1) This Act may be cited as the Guardianship of Infants Act, 1925.

(2) This Act shall (except so far as it amends the law relating to the marriage of infants) be construed as one with the Guardianship of Infants Act, 1886, and

that Act and this Act may be cited together as the Guardianship of Infants Acts, 1886 and 1925.

(3) This Act shall come into operation on the expiration of two months after the passing thereof.

(4) This Act shall not extend to Northern Ireland.

SCHEDULE.

Section 9.

CONSENTS REQUIRED TO THE MARRIAGE OF AN INFANT.

I. WHERE THE INFANT IS LEGITIMATE.

Circumstances.	Person or Persons whose consent is required.
1. Where both parents are living :	
(*a*) if parents living together;	Both parents.
(*b*) if parents are divorced or separated by order of court or by agreement;	The parent to whom the custody of the infant is committed by order of any court or by the agreement, or, if the custody of the infant is so committed to one parent during part of the year and to the other parent during the rest of the year, both parents;
(*c*) if one parent has been deserted by the other;	The parent who has been deserted.
(*d*) if both parents deprived of custody of infant by order of court.	The person to whose custody the infant is committed by order of the court.
2. Where one parent is dead :	
(*a*) if there is no other guardian;	The surviving parent.
(*b*) if a guardian has been appointed by the deceased parent.	The surviving parent and the guardian if acting jointly, or the surviving parent or the guardian if the parent or guardian is the sole guardian of the infant.
3. Where both parents are dead -	The guardians or guardian appointed by the deceased parents or by the court under section four of this Act.

II. WHERE THE INFANT IS ILLEGITIMATE.

Circumstances.	Person whose consent is required.
If the mother of the infant is alive -	The mother, or if she has by order of the court been deprived of the custody of the infant, the person to whom the custody of the infant has been committed by order of the court.
If the mother of the infant is dead.	The guardian appointed by the mother.

CHAPTER 46.

An Act to prevent unauthorised reproductions of dramatic and musical performances.

[31st July 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Penalties for making, &c. records without consent of performers.

1. If any person knowingly—

(*a*) makes any record, directly or indirectly, from or by means of the performance of any dramatic or musical work without the consent in writing of the performers; or

(*b*) sells or lets for hire, or distributes for the purposes of trade, or by way of trade exposes or offers for sale or hire, any record made in contravention of this Act; or

(*c*) uses for the purpose of a public performance any record made in contravention of this Act,

he shall be guilty of an offence under this Act, and shall be liable, on summary conviction, to a fine not exceeding forty shillings for each record in respect of which an offence is proved, but not exceeding fifty pounds in

respect of any one transaction: Provided that it shall be a defence to any proceedings in respect of an alleged offence under the foregoing paragraph (*a*) if the defendant proves that the record in respect of which the offence is alleged was not made for purposes of trade.

Penalties for making or having plates, &c. for making records in contravention of Act.

2. If any person makes, or has in his possession, any plate or similar contrivance for the purpose of making records in contravention of this Act, he shall be guilty of an offence under this Act, and shall be liable, on summary conviction, to a fine not exceeding fifty pounds for each plate or similar contrivance in respect of which an offence is proved.

Power to order destruction of records, &c. contravening Act.

3. The Court before which any proceedings are taken under this Act may, on conviction of the offender, order that all records or plates or similar contrivances in the possession of the offender which appear to the Court to have been made in contravention of this Act, or to be adapted for the making of records in contravention of this Act, and in respect of which the offender has been convicted, be destroyed, or otherwise dealt with as the Court may think fit.

Interpretation.

4. In this Act, unless the context otherwise requires,—

The expression "record" means any record or similar contrivance for reproducing sound;

The expression "performance of any dramatic or musical work" includes any performance, mechanical or otherwise, of any such work which performance is rendered or intended to be rendered audible by mechanical or electrical means;

The expression "performers" in the case of a mechanical performance means the persons whose performance is mechanically reproduced.

Short title.

5.—(1) This Act may be cited as the Dramatic and Musical Performers' Protection Act, 1925.

(2) This Act shall extend to Northern Ireland.

CHAPTER 47.

An Act to make provision respecting the retirement, pensions, allowances and gratuities of professional firemen who are members of fire brigades in Great Britain, and their widows, children and dependants. [31st July 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows:—

RETIREMENT AND PENSIONS.

Compulsory retirement.

1.—(1) Retirement shall be compulsory for professional firemen of all ranks on attaining the age of sixty, except that in special cases the local authority may extend any such person's service for a further period on being satisfied that such extension would be in the interests of efficiency.

(2) Retirement shall also be compulsory for any professional fireman who, having become entitled to retire without a medical certificate and receive an ordinary pension, is required to retire by the local authority on the ground that his retention in the brigade would not be in the interests of efficiency.

Pensions and gratuities of professional firemen.

2.—(1) Subject to the provisions of this Act, every professional fireman—

(*a*) if he has completed twenty-five years' approved service, and has attained the age of fifty-five, and has given three months' written notice, or such shorter notice as the local authority may accept, to the local authority of his intention to retire, shall be entitled, on the expiration of such notice, without a medical certificate to retire and receive an ordinary pension for life; and

(*b*) if he has completed ten years' approved service, and is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire and receive an ordinary pension for life; and

(*c*) if at any time he is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, shall be entitled on a medical certificate to retire and receive a special pension for life; and

(*d*) if he has not completed ten years' approved service, and is incapacitated for the performance of his duty by infirmity of mind or body not occasioned by such injury as aforesaid, shall be entitled on a medical certificate to retire and receive a gratuity.

(2) Where a professional fireman is compelled to retire under this Act on the ground of age, then—

(*a*) if he is not entitled without a medical certificate to retire and receive a pension, he shall be entitled to receive such ordinary pension or gratuity as he would have been entitled to receive had he then retired on a medical certificate;

(*b*) any pension or gratuity to which he is entitled shall be payable as from his retirement, and no notice of intention to retire shall be required.

(3) A chief officer appointed after the commencement of this Act shall not, except with the consent of the local authority, be entitled to retire without a medical certificate and receive an ordinary pension, unless at the time of his retirement he has attained the age of sixty.

(4) No gratuity shall be payable to a professional fireman who retires before the expiration of any period of probationary service.

Pensions, allowances and gratuities to widows, children and dependants.

3.—(1) Subject to the provisions of this Act, where a professional fireman dies while serving in the fire brigade from the effects of an injury received in, or disease resulting from, the execution of his duty without his own default, or having been granted a pension in respect of any such injury or disease, whether before or

after the commencement of this Act, dies from the effects of such injury or disease—

(*a*) his widow shall be entitled, where the injury was accidental or where death was due to disease resulting from the execution of his duty, to a widow's ordinary pension, and where the injury was non-accidental, to a widow's special pension;

(*b*) his children under sixteen years of age shall be entitled to allowances until they severally reach the age of sixteen years; and

(*c*) the local authority may, if they think fit, grant a gratuity to any relative of his who has been wholly or mainly dependent upon him.

(2) Where the widow of a professional fireman is entitled to a pension, or a child of a professional fireman is entitled to an allowance, under this Act, and the local authority are satisfied that there are special reasons for the grant of a gratuity in lieu thereof, the local authority may at their discretion grant a gratuity accordingly, subject to the consent of the man's widow or, if he leaves no widow, the guardian of the child, as the case may be.

Pension and compensation not payable for same injury.

4. When a professional fireman is entitled to receive a pension on the ground that he is incapacitated in the performance of his duty by infirmity of mind or body occasioned by an injury, or the widow or any child of a professional fireman is entitled to receive a pension or an allowance in consequence of his dying from the effects of an injury, neither the fireman nor his widow or personal representatives shall be entitled to receive compensation or damages from the local authority in respect of the same injury or the consequences thereof.

Scales of pensions, allowances and gratuities.

5. The pensions, allowances and gratuities payable under this Act shall be in accordance with the scales and provisions contained in the Schedule to this Act, and the general rules contained in Part III. of that schedule shall apply to such pensions, allowances and gratuities.

APPROVED SERVICE.

Service to be reckoned for pension.

6.—(1) The service of a professional fireman for the purposes of this Act shall be subject to such deductions in respect of sickness, misconduct, or neglect

of duty as may be made therefrom in pursuance of any regulations affecting the brigade to which he belongs, not exceeding the period during which he is absent from duty on account of sickness, misconduct or neglect of duty, as the case may be; and, subject to the provisions of this Act as to professional firemen who were serving as such at the commencement of this Act, the expression "approved service" shall, for the purposes of this Act, mean such service as may, after such deductions as aforesaid (if any), be certified by the chief officer of the fire brigade with the approval of the local authority to have been diligent and faithful service, but shall not include service before attaining the age of twenty years, except in the case of a fireman who before attaining that age is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default.

(2) Where a deduction is made from the service of a professional fireman in respect of sickness, misconduct, or neglect of duty, notice of the deduction shall be given to him as soon as may be after the occurrence of the cause for which the deduction is made; and he may appeal to the local authority against any act of his chief officer which prevents him from reckoning any period of actual service as approved service, and any period of actual service allowed on such appeal shall be deemed to be approved service.

Continuous service in two or more fire brigades.

7.—(1) Where a professional fireman has served in more than one fire brigade and has completed not less than one year's approved service as a professional fireman in any fire brigade from which, after the commencement of this Act, he has, with the written sanction of the local authority, removed to another brigade, such approved service shall be reckoned as approved service in the brigade in which he was serving at the time of his death or retirement.

(2) Where any professional fireman who is entitled under this section to reckon any previous service in another brigade, or his widow or any child or any dependant of his, in due course is granted a pension, gratuity or allowance, the local authority in whose

service he then is, or was at the time of his death or retirement, shall be entitled to call upon the other local authority or authorities and they shall contribute a proportionate part of any pension, gratuity or allowance granted to him or his widow or any such child or dependant, reckoned according to his approved service and pay during his service in such brigade, and the said proportionate part shall be settled by agreement between the local authorities, or in default of agreement by an arbitrator appointed by the Secretary of State.

Discontinuous service in one or more brigades, &c.

8.—(1) Where a professional fireman, who has retired from a fire brigade without a pension, subsequently, after the commencement of this Act, rejoins the same fire brigade, there shall be reckoned as approved service the period of approved service which he was entitled to reckon at the end of his previous service, if he repays to the local authority the amount of any gratuity which may have been granted to him, or of any rateable deductions from his pay which may have been paid to him by the local authority in respect of his previous service.

(2) Where a professional fireman, who has retired without a pension from a fire brigade in which he was employed as a professional fireman or from a police force as a member of which he was employed as a whole-time fireman, subsequently, after the commencement of this Act, takes service as a professional fireman in a fire brigade, the local authority of that brigade may, if they think fit, allow the period of approved service, not being less than one year, which he was entitled to reckon at the end of his service in the first mentioned brigade, or the police force, to be reckoned as approved service, if he pays or has paid to the local authority of the fire brigade in which he has taken service the amount of any gratuity which may have been granted to him, or of any rateable deductions from his pay which may have been paid to him, in pursuance of this Act, or, if he retired from a fire brigade before the commencement of this Act, or from any police force, the amount of any rateable deductions which would have been made from his pay in respect of his previous service if this Act had been in force during such service and had been applicable thereto.

(3) Payments by a professional fireman under this section shall be effected by means of deductions from pay, or otherwise as the local authority may determine.

Service of men belonging to reserve forces.

9. Where a professional fireman with the knowledge of the local authority or of the chief officer of the brigade belongs to any royal naval reserve force or army reserve or air force reserve, and is required for training or for permanent service, he shall be entitled, on returning to the fire brigade after the end of such training or service, to reckon any approved service which he was entitled to reckon at the commencement of such training or service; and his period of training or service and any period during which he was incapacitated for fire duty owing to an injury received during his period of training or service without his own default, shall be reckoned in the computation of the approved service.

GRANT, REVISION, FORFEITURE AND OFFENCES IN RESPECT OF PENSIONS.

Proof of incapacity for duty, liability to serve again and revision of pension.

10.—(1) Before granting a pension or gratuity on the ground that a professional fireman is incapacitated by infirmity of mind or body for the performance of his duty, the local authority shall be satisfied by the evidence of some duly qualified medical practitioner or practitioners, selected by the local authority, that he is so incapacitated, and that the incapacity is likely to be permanent.

(2) Where the application is for a special pension, the local authority shall also be satisfied that the injury was received in the execution of duty, that it was received without the default of the applicant, and that the infirmity is attributable to the injury, and shall determine whether the injury was accidental or not, and the degree of disablement; and, for the purpose of determining any of the said questions which ought to be determined on medical grounds, shall take the like evidence as above mentioned.

(3) Where any pension is granted on the ground of incapacity for the performance of duty, the local authority shall, yearly or otherwise, until the power under this section of requiring the pensioner to serve again ceases, satisfy themselves that the incapacity continues, and, unless they resolve that such evidence is unnecessary,

shall satisfy themselves by the like evidence as above mentioned.

(4) In the event of the incapacity ceasing before the time at which the pensioner would, if he had continued to serve, have been entitled without a medical certificate to retire and receive a pension for life, the local authority may cancel his pension and require him to serve again in the fire brigade, in a rank not lower than the rank which he held before his retirement, and at a rate of pay not less than that on which his pension was calculated.

(5) Where a pensioner so serves again, the provisions of this Act shall apply as if he had not previously retired, save that, except where the pension was granted in respect of a non-accidental injury received in the execution of duty, he shall not reckon as approved service the time which elapsed between his former retirement and the recommencement of his service.

(6) Any special pension shall be granted for such period as may be fixed by the local authority, and, if at the expiration of that period the degree of disablement is unaltered, the pension shall, at the discretion of the local authority, be either renewed from time to time or made permanent. If within five years of the pensioner's retirement or at any time before the pension is made permanent the local authority are satisfied by the evidence of a duly qualified medical practitioner that the degree of the pensioner's disablement has substantially altered, the pension shall be reassessed according to the degree of disablement.

(7) If a professional fireman or pensioner refuses or wilfully or negligently fails, when required by the local authority, to be examined by some duly qualified medical practitioner selected by that authority, the local authority may deal with him in all respects as if they were satisfied by the evidence of such a practitioner as to whether he is incapacitated for the performance of duty or, as the case may be, as to the degree of his disablement.

(8) (*a*) Where, for the purposes of this section, any person is medically examined by a medical practitioner selected by the local authority, and is dissatisfied with his opinion on any medical question, he may appeal in accordance with rules made by the Secretary of State,

to an independent person nominated by the Secretary of State.

(*b*) The local authority shall be bound by the decision of any medical question which is determined on any such appeal, but, subject to this provision, the decision of the local authority on any question arising under this section shall be final.

Power to reduce pensions where infirmity is due to misconduct.

11. Where a professional fireman retires on account of infirmity of mind or body, whether occasioned by injury or otherwise, and the local authority are satisfied that he has brought about or contributed to the injury or infirmity by his own neglect, default or vicious habits, the local authority may, in their discretion, reduce the amount of his pension or gratuity by an amount not exceeding one-half of that to which he would be otherwise entitled.

Assignment of pensions and regulations as to payment of pensions,&c.

12. The following provisions shall have effect with respect to every pension, allowance or gratuity (in this section referred to as a grant) payable by the local authority to any person (in this section referred to as a pensioner):—

(1) Every assignment of and charge on a grant, and every agreement to assign or charge a grant, shall, except so far as made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other person acting on behalf of the creditors:

(2) Where any parochial relief is given to a pensioner or to anyone whom the pensioner is liable to maintain, the local authority may pay the whole or any part of the grant, or of the instalment thereof next due, to the guardians or other authority giving the relief, and any sum so paid may be applied in repayment of any sums expended in such relief, and subject thereto, shall be paid or applied by the guardians or other authority to or for the benefit of the pensioner:

(3) If the pensioner neglects to maintain any person whom the pensioner is liable to maintain, the local authority may in their discretion pay or apply the whole or any part of the grant to or for the benefit of that person:

(4) Where any sum is due from the pensioner to the local authority, the local authority may deduct the amount of any such sum from the grant:

(5) If the pensioner appears to the local authority to be insane or otherwise incapacitated to act, the local authority may pay so much of the grant as they think fit to the institution or person having the care of the pensioner, but shall in such case pay the surplus (if any) for or towards the maintenance and benefit of the dependants (if any) of the pensioner except so far as the said surplus may be otherwise applied for the benefit of the pensioner:

(6) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant, then, if the local authority so direct, probate or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the local authority to be beneficially entitled to the personal estate of the deceased pensioner or to or among any one or more of those persons as the local authority may think fit, and the local authority, and any officer of the local authority making the payment, shall be discharged from all liability in respect of any such payment or distribution:

(7) Every grant which is a pension or allowance shall be paid, after the first instalment, in advance, except in the case of refusal to quit fire brigade quarters or any premises owned or rented by or on behalf of the local authority, or to give up any equipment, or to make any payment due to the local authority; but, where a person dies whilst in receipt of a grant paid in advance, no return shall be required of any payments which have been made in respect of any period after his death:

(8) Any sum payable to a minor on account of a grant may be paid either to the minor or to such person and on such conditions for the benefit of the minor as to the local authority seems expedient:

(9) Where a payment is made to any person by a local authority in pursuance of this section, the receipt of that person shall be a good discharge to that authority for the sum so paid.

Forfeiture of pension or allowance.

13.—(1) A pension or allowance under this Act is granted only upon condition that it becomes forfeited, and may be withdrawn by the local authority, in any of the following cases, that is to say, if the grantee—

(*a*) is convicted of any offence and is sentenced to penal servitude or to imprisonment for a term exceeding one month; or

(*b*) knowingly associates with thieves or reputed thieves; or

(*c*) enters into or continues to carry on any business, occupation or employment which is illegal, or in any way makes use of the fact of his former employment in the fire brigade in a manner which the local authority consider to be discreditable or improper.

(2) Such forfeiture and withdrawal may affect the pension or allowance wholly or in part, and may be permanent or temporary, as the local authority may determine.

Penalty for obtaining pension, &c. by fraud.

14. If a person obtains or attempts to obtain for himself or for any other person—

(*a*) any pension, gratuity, or allowance under this Act, or any payment on account thereof; or

(*b*) the return of any rateable deductions from pay under this Act;

by means of any false declaration, false certificate, false representation, false evidence or personation, or by malingering or feigning disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct, he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds, and where a person has been convicted of an offence under this section the local authority may direct that he shall forfeit, in whole or part, any pension, gratuity, allowance or other sum so obtained.

Appeal in case of forfeiture or refusal of pension, gratuity or allowance.

15.—(1) Where—

(*a*) a pension or allowance after being granted has subsequently in pursuance of this Act been declared to have been forfeited; or

(*b*) any person claims as of right a pension, allowance or gratuity under this Act, and the local authority do not admit the claim; or

(*c*) any person claims as of right a pension, allowance or gratuity under this Act larger than that granted to that person;

the person aggrieved may apply to the local authority for a re-consideration of the case, and, if aggrieved by the decision upon such re-consideration, may apply to the next practicable court of quarter sessions for the county or borough within which the professional firemen concerned last served, and that court, after inquiry into the case, may make such order in the matter as appears to the court just; but nothing in this section shall confer a right to appeal against the exercise of any discretion, or against any decision which is declared by this Act to be final.

(2) An appeal shall lie on a point of law from any decision of quarter sessions under this section to the High Court in accordance with rules of court, and the decision of the High Court shall be final, but in all other respects the decision of the quarter sessions shall be final.

Suspension of pension in case of service under a local authority.

16. Where a person in receipt of a pension from a local authority under this Act takes service under any local authority in any capacity, his pension may be suspended by the first-mentioned authority in whole or in part so long as he remains in that service.

RATEABLE DEDUCTIONS.

Rateable deductions from pay.

17. The local authority of every fire brigade shall deduct from the pay of every professional fireman sums at the rate of five per cent. of his pay (in this Act referred to as rateable deductions).

Return of rateable deductions.

18.—(1) Where a professional fireman not having been dismissed or required to retire as an alternative to dismissal, leaves the brigade without a pension or gratuity, the local authority, except where he leaves it in such circumstances as will enable him to reckon his approved service in the fire brigade for the purpose

of pension, shall pay him the whole of the rateable deductions which have been made from his pay.

(2) Where a professional fireman is required to retire as an alternative to dismissal, the local authority may, if they think fit, pay him the whole or any part of such rateable deductions as aforesaid, or apply the same in such manner as they think fit for the benefit of his wife or children (if any), and, where a professional fireman is dismissed, the local authority may, if they think fit, apply the whole or any part of such rateable deductions as aforesaid in such manner as they think fit for the benefit of his wife or children (if any).

GENERAL.

Saving of right of dismissal and reduction in rank.

19. Nothing in this Act shall prejudice any existing right of dismissing a professional fireman, or requiring him to retire as an alternative to dismissal, or reducing him to any lower rank or lower rate of pay, or shall prevent his claim to pension from being refused on account of misconduct, or on account of any of the grounds on which his pension, if granted, would be liable to be forfeited and withdrawn.

Fire brigade pension fund.

20.—(1) Subject as hereinafter provided, the local authority shall establish and administer a fire brigade pension fund to which shall be carried and credited—

(*a*) the amounts deducted by the local authority under this Act from the pay of professional firemen;

(*b*) an equal amount transferred by the local authority from the district or other fund from which the other expenses of the fire brigade are defrayed;

(*c*) the dividends and interest arising out of the investment or use of the fire brigade pension fund, or any part thereof;

(*d*) any sums transferred by the local authority from any other pension or superannuation fund in pursuance of this Act;

(*e*) any sums paid to the local authority by professional firemen in pursuance of this Act; and

(*f*) any other sums which the local authority may resolve to carry to such fund from the district or other fund from which the expenses of the fire brigade are defrayed:

Provided that in the case of any local authority employing less than ten professional firemen the provisions of this Act with regard to the establishment of a fire brigade pension fund shall not apply unless the local authority so resolve, and where no such pension fund is established the payments mentioned in paragraphs (*a*), (*c*), (*d*), and (*e*) of this subsection shall be made to the district or other fund from which the expenses of the fire brigade are defrayed.

(2) Subject as hereinafter provided, all payments under this Act by a local authority to professional firemen, their widows, children, or dependants, or to another local authority, shall be made from the fire brigade pension fund or, if no such fund is established, from the district or other fund from which the other expenses of the fire brigade are defrayed.

(3) The local authority may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of the fire brigade pension fund and not for the time being required for payments to be made under this Act, subject to the following conditions:—

(*a*) the moneys so used shall be repaid to the fire brigade pension fund within the period, under the conditions and out of the fund, rate, or revenue within, under, and out of which a loan raised under the statutory borrowing power would be repayable;

(*b*) interest shall be paid to the fire brigade pension fund on any moneys so used and for the time being not repaid to the fund, and shall be calculated at a rate per cent. per annum to be determined by the local authority and equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power, and shall be paid out of the fund, rate, or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power; and

(*c*) the statutory borrowing power for the purpose of which the moneys are so raised shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

(4) The surplus of the annual income of the fire brigade pension fund above the expenditure thereout shall from time to time be invested in securities in which trustees are by law authorised to invest trust funds, or be used in the manner hereinbefore provided, and the income arising from time to time from such investment or use shall be paid into that fund.

(5) If at any time the income of the fire brigade pension fund is insufficient to meet the sums payable out of the fund, the deficiency may be met by the sale of investments made under the preceding subsection, provided that the value of the investments sold in any one year ending on the thirty-first day of March shall not exceed one-tenth of the total capital assets of the fund at the commencement of that year, and the balance of the deficiency shall be met from the district or other fund from which the other expenses of the fire brigade are defrayed.

Application to chief officers of fire brigades.

21. The provisions of this Act, unless otherwise expressly stated, shall apply to a chief officer of a fire brigade in like manner, so nearly as circumstances admit, as they apply to any other professional fireman, except that the certificate of approved service and the sanction to removal from one brigade to another may be given by the local authority.

Application to serving professional firemen.

22.—(1) Save as hereinafter expressly provided, this Act shall apply to professional firemen who were serving as such at the commencement of this Act, provided as follows:—

(*a*) Any such fireman serving at the commencement of this Act shall be entitled to reckon as approved service for the purpose of the grant of pensions, allowances and gratuities under this Act any past pensionable service as hereinafter defined, but so that any such period of past pensionable service which has not been contributory service as hereinafter defined shall be reckoned as half that period of approved service;

(*b*) "Past pensionable service" shall include any service before the commencement of this Act

(after reaching the age of twenty years) which is—

(i) service as a professional fireman in the same fire brigade or previous service which was continuous or practically continuous therewith as a professional fireman in another fire brigade, if such service is certified by the chief officer of the fire brigade or by the local authority to have been diligent and faithful service; or

(ii) approved service as a whole-time fireman to whom, as being a member of a police force employed as a fireman, the Police Act, 1890, or the Police Pensions Act, 1921, applied, if such service was continuous or practically continuous with his service as a professional fireman; or

53 & 54 Vict. c. 45. 11 & 12 Geo. 5. c. 31.

(iii) any other previous service as a whole time fireman which the local authority may approve as past pensionable service for the purposes of this section:

Provided that nothing in this section shall be deemed to affect any agreement made between a professional fireman and the local authority as to the reckoning of any previous service as approved service:

(2) Notwithstanding the foregoing provisions of this section, the pension or gratuity granted to any professional fireman who is serving at the commencement of this Act and whose past pensionable service was not wholly contributory service, may be increased, at the discretion of the local authority, to an amount not exceeding the pension or gratuity to which such professional fireman would have been entitled if his past pensionable service had not been subject to any reduction in reckoning his approved service, if such professional fireman pays to the local authority such sum as the local authority may fix, not exceeding the amount of the rateable deductions which would have been made from his pay during the period of his past pensionable service which was not contributory service if

this Act had been in force during such non-contributory service and had been applicable thereto:

(3) Where, in pursuance of the provisions of the preceding subsection, the pension or gratuity granted to a professional fireman exceeds any pension or gratuity which might have been granted if he had been entitled to reckon only his contributory service for purposes of pension, any such excess shall be paid out of the district or other fund from which the other expenses of the fire brigade are defrayed and not out of the fire brigade pension fund:

(4) For the purposes of this section, "contributory service" means service in respect of which deductions from pay have been made under the Local Government and Other Officers' Superannuation Act, 1922, or under the Police Act, 1890, or the Police Pensions Act, 1921, or other regular contributions have been made by the fireman under a superannuation scheme, provided that, if the deductions or other contributions in respect of any service have been returned, or a gratuity has been granted to the fireman on his retirement, such service shall be deemed to be contributory service only if the professional fireman pays to the local authority the amount of the gratuity granted to him, or of the deductions or other contributions returned to him, as the case may be: 12 & 13 Geo. 5. c. 59.

(5) The provisions of subsection (1) of section one of this Act as to the age of compulsory retirement shall not apply to any professional fireman so serving at the commencement of this Act unless and until he has completed twenty-five years' approved service.

23. For the purposes of this Act— Interpretation.

(1) "Local authority" includes the council of any county, county borough, municipal borough, urban district, rural district or parish, and in relation to any particular professional fireman means the local authority employing such fireman:

(2) "Professional fireman" means any member of a fire brigade maintained by a local authority who is wholly and permanently employed on fire brigade duties, and to whom the Police Pensions Act, 1921, does not apply:

(3) "Chief officer" shall include "firemaster," "superintendent," or such other title as is given by the local authority to the chief officer of the fire brigade:

(4) The expression "total disablement" means total loss of earning capacity in any employment, and, in the case of partial disablement, the degree of disablement shall be based upon the degree to which earning capacity is affected:

(5) Any injury suffered by a professional fireman while on duty or while proceeding to report for duty in response to a summons in that behalf shall be deemed to be an injury received in the execution of his duty:

(6) Any injury received while engaged in extinguishing a fire or while engaged in drill involving special risk, shall be deemed a non-accidental injury.

Act to supersede other Acts, &c.

24.—(1) The provisions of this Act shall have effect notwithstanding anything in any other Act, general or local, or charter, to the contrary, and as from the commencement of this Act all other provisions for the grant of pensions, allowances, or gratuities on the retirement or death of professional firemen shall cease to have effect as respects such firemen, subject however as follows:—

(*a*) None of the provisions of this Act excepting the provisions contained in section seven and subsections (2) and (3) of section eight shall apply to members of the London Fire Brigade, and section seven shall apply to a professional fireman removing to or from the London Fire Brigade;

(*b*) Where a local authority have in operation any scheme for the grant of pensions, allowances, or

gratuities on the retirement or death of professional firemen, which is on the whole not less favourable than the provisions of this Act, that scheme shall, unless and until the local authority otherwise resolve, continue in operation, and any pension, allowance, or gratuity granted to a professional fireman or to his widow, children, or dependants shall be in accordance with that scheme and not as provided in this Act;

(*c*) In the event of any question arising as to whether any existing scheme is or is not less favourable than the provisions of this Act, the question shall be referred to an actuary nominated by the Secretary of State whose decision shall be final.

(2) Where any scheme for the grant of pensions, allowances, or gratuities on the retirement or death of a professional fireman, is superseded by the provisions of this Act, either wholly or as respects any professional fireman, the local authority shall give written notice of the provisions of this Act to any professional fireman then serving in the fire brigade, and if any professional fireman within one month after receiving such notice gives written notice to the local authority that he desires the scheme to continue to apply to him in lieu of the provisions of this Act, that scheme shall continue to apply to him accordingly, and the amount of any pension, allowance, or gratuity granted to him or to his widow, children, or dependants, and the amount of any deductions made from his pay or other contributions towards the cost of pensions shall be as provided in such scheme as aforesaid and in lieu of any grant or rateable deductions which would otherwise have been made in pursuance of this Act.

(3) Where any existing superannuation scheme is superseded by the provisions of this Act, either wholly or as respects any professional fireman, the following provisions shall apply:—

(*a*) If such scheme is wholly superseded, any assets of any fund established in connection with such scheme shall be carried to the fire brigade

pension fund established as provided by this Act or, if no such fund is established, to the district fund or other fund from which the expenses of the fire brigade are defrayed;

(*b*) If such scheme is superseded not wholly but as respects any professional fireman, then there shall be transferred from the superannuation fund or other fund from which pensions are paid in pursuance of such scheme to the fire brigade pension fund or, if there is no such fund, to the district or other fund from which the expenses of the fire brigade are defrayed, a sum equal to the sum or sums which would have been payable to the professional fireman under such scheme if he had voluntarily retired from the fire brigade at the date when such scheme ceases to apply to him.

Application to Scotland.

25. This Act shall apply to Scotland, subject to the following modifications:—

(*a*) The Court of Session shall be substituted for the High Court, and the Secretary for Scotland shall be substituted for the Secretary of State;

(*b*) Local authority shall mean a county council or a town council;

(*c*) In the application of the section of this Act relating to appeal in case of forfeiture or refusal of pension, gratuity or allowance, for references to the next practicable court of quarter sessions for the county, or burgh, within which the professional fireman last served, there shall be substituted references to the sheriff having jurisdiction in the place where the professional fireman last served, and for references to quarter sessions there shall be substituted references to the sheriff.

Short title and commencement.

26.—(1) This Act may be cited as the Fire Brigade Pensions Act, 1925.

(2) This Act shall come into operation on the first day of April, nineteen hundred and twenty-six.

SCHEDULE.

Section 5.

SCALES OF PENSIONS, ALLOWANCES AND GRATUITIES.

PART I.

FIREMEN.

(a) *Ordinary Pensions.*

1. *On retirement with twenty-five years' approved service or over.*—Such proportion of the annual pay as is specified in scale number 1, set out in the subjoined Table I., but so, however, that the amount of such pension shall not exceed the proportion of the annual pay specified in Table II., according to the age of the professional fireman at the date of his retirement.

2. *On retirement with ten years' approved service or over with medical certificate.*—Such proportion of the annual pay as is specified in scale number 2, set out in Table I.

(b) *Special Pensions.*

3. *On total disablement from an injury in the execution of duty*—

(*a*) if the injury is non-accidental, such proportion of the annual pay as is specified in scale number 3 in Table I.;

(*b*) if the injury is accidental, such proportion of the annual pay as is specified in scale number 4 in the said table;

(*c*) if it is not possible to determine definitely whether the injury is accidental or non-accidental, such rate intermediate between the rates prescribed in the preceding paragraphs (*a*) and (*b*) as the local authority may determine.

4. *On partial disablement from an injury received in the execution of duty.*—Such proportion of the pension applicable in case of total disablement as the degree of disablement bears to total disablement:

Provided that the pension shall not be less than such proportion of the annual pay as is specified, if the injury was non-accidental, in scale number 5 in Table I., and otherwise in scale number 6 in the said table.

TABLE I.

Scales of Pensions.

Completed years of approved service.	Proportion of Pension to Pay on Retirement.					
	Scale No. 1. On retirement with 25 years' approved service or over.	Scale No. 2. On retirement with 10 years' approved service or over with medical certificate.	Scale No. 3. On total disablement from non-accidental injury received in execution of duty.	Scale No. 4. On total disablement from accidental injury received in execution of duty.	Scale No. 5. On partial disablement from non-accidental injury.	Scale No. 6. On partial disablement from accidental injury.
	60ths.	60ths.	60ths.	60ths.	60ths.	60ths.
1 or less	—	—	45	30	20	10
2 -	—	—	45	30	20	10
3 -	—	—	45	30	20	10
4 -	—	—	45	30	20	10
5 -	—	—	45	30	20	10
6 -	—	—	45	30	20	10
7 -	—	—	45	30	20	10
8 -	—	—	45	30	20	10
9 -	—	—	45	30	20	10
10 -	—	10	45	30	20	10
11 -	—	11	48	32	21	11
12 -	—	12	48	32	22	12
13 -	—	13	48	32	23	13
14 -	—	14	48	32	24	14
15 -	—	15	48	32	25	15
16 -	—	16	51	34	26	16
17 -	—	17	51	34	27	17
18 -	—	18	51	34	28	18
19 -	—	19	51	34	29	19
20 -	—	20	51	34	30	20
21 -	—	21	54	36	31	21
22 -	—	22	54	36	32	22
23 -	—	23	54	36	33	23
24 -	—	24	54	36	34	24
25 -	*25	25	54	36	35	25
26 -	*26	26	57	38	36	26
27 -	*27	27	57	38	37	27
28 -	*28	28	57	38	38	28
29 -	*29	29	57	38	39	29
30 -	*30	30	60	40	40	30
31 -	*32	32	60	40	40	32
32 -	*34	34	60	40	40	34
33 -	*36	36	60	40	40	36
34 -	*38	38	60	40	40	38
35 or over	*40	40	60	40	40	40

* Subject to the maximum limits specified in paragraph 1 of this Schedule and Table II., according to the age of the professional fireman at the date of his retirement.

TABLE II.

Maximum proportions of Pension to Pay, according to the Age of the Professional Fireman.

Age of fireman at retirement.	Maximum proportion of pension to pay at retirement.
Years.	60ths.
55 and less than 56	30
56 ,, 57	32
57 ,, 58	34
58 ,, 59	36
59 ,, 60	38
60 or over	40

(c) *Gratuities.*

5. *On retirement with medical certificate with less than ten years' approved service.*—The gratuity shall be an amount equal to one-twelfth of the annual pay for each completed year of approved service, or, where a professional fireman has not completed one year of approved service, an amount equal to the rateable deductions which have been made from his pay.

PART II.

WIDOWS AND CHILDREN.

(a) *Widow's Pensions.*

6. *Widow's ordinary pension.*—The pension shall be the amount specified under (i) or (ii) of the following scales whichever is the greater, that is to say—

Scale (i)—if her husband was a fireman or sub-officer at the time of his death or retirement, at the rate of 30*l.* a year;

if he was of a higher rank than sub-officer and of a lower rank than chief officer at the time of his death or retirement, at the rate of 40*l.* a year;

if he was a chief officer at the time of his death or retirement, at the rate of 50*l.* a year;

Scale (ii)—an amount ascertained according to the length of her husband's service and his pay at the time of his death or retirement as follows :—

Completed years of approved service.	Percentage of annual pay.
30 years or over	12½ per cent.
25 years and under 30	10 ,,
20 years and under 25	8 ,,
15 years and under 20	6 ,,
10 years and under 15	4 ,,

subject, however, in the case of the widow of a pensioner to a deduction equal to twenty-five per cent. of the amount for each complete year for which her husband's pension had been drawn.

7. *Widow's special pension.*—The pension shall be equal to one-third of her husband's annual pay at the time of his death or retirement.

(b) *Widow's Gratuities.*

8. The gratuity shall be of such amount as the local authority may determine, but not exceeding one-twelfth of her husband's annual pay for each completed year of approved service.

(c) *Children's Allowances.*

9. *Professional fireman or pensioner dying as the result of non-accidental injury received in the execution of duty.*—The allowance in respect of each child who has not attained the age of sixteen shall be an annual allowance, up to the time that child attains the age of sixteen, at the rate of one-fifteenth of the fireman's annual pay; and, if he leaves no widow or the widow dies before all the children attain the age of sixteen, the allowance may be increased up to two-fifteenths of such pay in respect of each child under sixteen; but in any case the allowance granted to any child shall not be less than the amount of the allowance to which that child would have been entitled under paragraph 10 of this Schedule if the professional fireman had died as a result of an accidental injury received in the execution of duty, and the aggregate amount paid in any year by way of children's allowances when added to the widow's pension, if any, shall not exceed two-thirds of such pay.

10. *Professional fireman or pensioner dying as a result of an accidental injury received in the execution of duty.*—The allowance in respect of each child who has not attained the age of sixteen shall be an annual allowance up to the time that child attains the age of sixteen at the rate of—

10*l.* in the case of a person who was a fireman or sub-officer at the time of his death or retirement;

12*l.* in the case of a person who was of a higher rank than sub-officer and of a lower rank than chief officer at the time of his death or retirement;

15*l.* in the case of a person who was a chief officer at the time of his death or retirement:

Provided the aggregate amount of such allowance in any year shall not exceed 30*l.*, 40*l.*, and 50*l.*, in the three cases respectively; but if he leaves no widow, or if the widow dies

before all the children attain the age of sixteen, the actual allowance or allowances and the aggregate amount of any such allowances may be increased by fifty per cent. above the sums hereinbefore mentioned.

(d) *Children's Gratuities.*

11. The gratuity shall be of such amount as the local authority may determine, not exceeding one-sixtieth of the annual pay for each completed year of approved service of the fireman or pensioner, but so that the total amount of any gratuity or gratuities granted to the children or to the widow and children and any dependants does not exceed one-twelfth of the annual pay for each completed year of approved service, and the total amount of any gratuities granted to the children shall not, in any case, exceed the annual pay.

(e) *Dependants' Gratuities.*

12. The total amount of any gratuity or gratuities paid to a dependant or dependants of a professional fireman or pensioner shall not exceed the amount of the rateable deductions which have been made from his pay, or in the case of a professional fireman or pensioner who was serving at the commencement of this Act or who retired before the commencement of this Act, as the case may be, the amount of the rateable deductions which would have been made from his pay if this Act had been in force during the whole of his service and had been applicable thereto.

PART III.

General Rules.

13. The same person shall not be entitled to a gratuity in addition to a pension or allowance, or to both an ordinary pension and a special pension.

14. A gratuity shall be paid in one sum, except that in special cases it may be paid by instalments or applied on behalf of the grantee if the local authority consider that it would be to the advantage of a widow, child or dependant to do so; and a child's allowance or gratuity or a dependant's gratuity may be paid to a guardian or trustee if the local authority consider that it would be to the advantage of the child or dependant to do so.

15. If the widow of a professional fireman was at the time of his death living apart from her husband (not having been deserted by him), a pension or gratuity shall be paid to her

only if the local authority are satisfied that he regularly contributed to her support; and the amount of a pension shall not, in such a case, exceed the amount which her husband contributed.

16. Subject to the provisions of this Act, the widow and children of a pensioner shall not receive any pension, allowance or gratuity unless the marriage took place before he retired on pension.

17. The payment of a widow's pension or the balance of a widow's gratuity shall, if at any time she re-marries, be suspended, but, in the event of her again becoming a widow, shall be resumed on proof to the satisfaction of the local authority that her circumstances are such that the pension or balance of gratuity is necessary for her support, and that she is of good character and deserving of bounty out of public funds.

18. A widow's pension or balance of a widow's gratuity shall be payable only so long as she is of good character.

19.—(*a*) In calculating any pension, gratuity or allowance for the purposes of this Act, "annual pay" means annual pay at the date of death or retirement as the case may require :

Provided that—

(i) where a professional fireman at the date of his death or retirement holds a rank to which he has been promoted within the three preceding years, his annual pay at the date of the death or retirement shall be deemed to be the average annual amount of pay received by him for the said three years, instead of the annual amount actually received by him at that date, so, however, that the pension, allowance or maximum gratuity payable shall not be less than if he had continued in his former rank; and

(ii) where the pay at the date of death or retirement was weekly pay, the amount of the annual pay shall be deemed to be fifty-two times the amount of the weekly pay.

(*b*) For the purpose of the foregoing provisions of this rule, the following only shall be recognised as ranks in a fire brigade, that is to say, chief officers (including superintendents in charge), second officers, superintendents, district officers, station officers, sub-officers and firemen :

Provided that in Scotland firemaster and lieutenant shall be also recognised as ranks.

CHAPTER 48.

An Act to amend the Improvement of Land Act, 1899. [31st July 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 62 & 63 Vict. c. 46.

1. The proviso to section one, subsection (3), of the Improvement of Land Act, 1899, so far as it applies to Great Britain, is hereby repealed.

Short title.

2. This Act may be cited as the Improvement of Land Act (1899) Amendment Act, 1925.

CHAPTER 49.

An Act to consolidate the Judicature Acts, 1873 to 1910, and other enactments relating to the Supreme Court of Judicature in England and the administration of justice therein. [31st July 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CONSTITUTION OF THE SUPREME COURT.

The Supreme Court.

Supreme Court of Judicature.

1. There shall be a Supreme Court of Judicature in England consisting of His Majesty's High Court of Justice (in this Act referred to as "the High Court") and His Majesty's Court of Appeal (in this Act referred to as "the Court of Appeal"), with such jurisdiction as is conferred on those courts respectively by this Act.

The High Court.

Constitution of High Court.

2.—(1) The High Court shall be constituted of the following judges, that is to say, the Lord Chancellor, the

Lord Chief Justice, the President of the Probate Division and the puisne judges of the several Divisions.

(2) The Lord Chancellor or, in his absence, the Lord Chief Justice, shall be president of the High Court.

(3) All the judges of the High Court shall, save as is in this Act otherwise expressly provided, have in all respects equal power, authority and jurisdiction, and shall be addressed in the manner formerly customary in addressing the judges of the superior courts of common law.

(4) The puisne judges of the High Court shall be styled "Justices of the High Court."

Judges of Court of Appeal and ex-judges of Supreme Court qualified to sit as judges of High Court.

3.—(1) Subject to the provisions of this section, any judge of the Court of Appeal or any person who has held the office of a judge of the Court of Appeal or of a judge of the High Court, may, on the request of the Lord Chancellor, sit and act as a judge of the High Court or perform any other official or ministerial acts for or on behalf of any judge absent through illness or any other cause, or in the place of any other judge whose place becomes vacant, or as an additional judge of any Division:

Provided that—

(*a*) The Lord Chancellor shall not request any person who has held office as aforesaid to sit and act as a judge of the King's Bench Division, or of the Probate Division, except with the concurrence of the Lord Chief Justice or the President of the Probate Division respectively; and

(*b*) Nothing in this section shall be deemed to require any person who has held office as aforesaid to sit and act as a judge of the High Court unless he consents so to do.

(2) Every person while sitting and acting as a judge of the High Court under this section shall have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a judge of that court.

Divisions of High Court.

4.—(1) For the more convenient despatch of business in the High Court there shall be in the High Court three Divisions, namely:—

(i) The Chancery Division, consisting of the Lord Chancellor, who shall be president thereof, and six puisne judges;

(ii) The King's Bench Division, consisting of the Lord Chief Justice, who shall be president thereof, and (subject to the provisions of this Act) seventeen puisne judges;

(iii) The Probate, Divorce and Admiralty Division consisting of a president and two puisne judges.

(2) Any judge of any of the said Divisions may be transferred by His Majesty, under His Royal Sign Manual, from one to another of the said Divisions.

(3) Nothing in this section shall operate to prevent a judge of any Division from sitting whenever required in a divisional court or for any judge of another Division.

Power to alter Divisions by Order in Council.

5.—(1) His Majesty in Council may from time to time, on a report or recommendation of the council of judges of the Supreme Court assembled in pursuance of the provisions of Part X. of this Act, order that any reduction or increase in the number of the Divisions or in the number of the judges of the High Court who may be attached to any Division, may pursuant to such report or recommendation be carried into effect, and may give all such further directions as may be necessary or proper for that purpose:

Provided that the total number of the judges of the Supreme Court shall not be reduced or increased by any such Order.

(2) An Order in Council under this section shall not come into operation until it has been laid before each House of Parliament for thirty days on which that House has sat, or if within that period of thirty days an address is presented to His Majesty by either House of Parliament, praying that the Order may not come into operation.

(3) An Order in Council under this section shall, on coming into operation, have effect as if it were enacted in this Act.

The Court of Appeal.

Constitution of Court of Appeal.

6.—(1) The Court of Appeal shall be constituted of ex-officio judges and of five ordinary judges.

(2) The ex-officio judges of the Court of Appeal shall be the Lord Chancellor, any person who has held the office of Lord Chancellor, any Lord of Appeal in

Ordinary who at the date of his appointment would have been qualified to be appointed an ordinary judge of the Court of Appeal, or who at that date was a judge of that court, the Lord Chief Justice, the Master of the Rolls and the President of the Probate Division:

Provided that a person who has held the office of Lord Chancellor, or a Lord of Appeal in Ordinary, shall not be required to sit and act as a judge of the Court of Appeal unless on the request of the Lord Chancellor he consents so to do.

(3) The ordinary judges of the Court of Appeal shall be styled, and are in this Act referred to as, "Lords Justices of Appeal."

(4) The Lord Chancellor shall be president of the Court of Appeal.

Attendance of judge of High Court in Court of Appeal.

7.—(1) The Lord Chancellor may request the attendance at any time of any judge of the High Court to sit as an additional judge at the sittings of the Court of Appeal, and any judge whose attendance is so requested shall attend accordingly.

(2) Every judge who sits as an additional judge of the Court of Appeal in pursuance of such a request shall, during the time he so sits, have all the jurisdiction and powers of a judge of the Court of Appeal, but shall not otherwise be deemed to be a judge of that court or to have ceased to be a judge of the Division to which he belongs.

(3) Any such judge shall, although the period has expired during which his attendance was requested, attend the sittings of the Court of Appeal for the purpose of giving judgment or otherwise in relation to any case which may have been heard by the Court of Appeal during his attendance on the Court of Appeal.

Ex-judges of Supreme Court qualified to sit as judges of Court of Appeal.

8. The Lord Chancellor may at any time, subject to the provisions of this section, request any person who has held the office of a judge of the Court of Appeal or of a judge of the High Court to sit and act as a judge of the Court of Appeal, and every such person so requested shall, while so sitting and acting, have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a judge of the Court of Appeal:

Provided that nothing in this section shall be deemed to require any such person as aforesaid to sit and act as a judge of the Court of Appeal unless he consents so to do.

Qualification of Judges, Vacancies, Tenure of Office, Salaries, &c.

Qualifications of judges of Supreme Court.

9.—(1) Any person being a barrister of not less than ten years' standing shall be qualified for appointment as a puisne judge of the High Court.

(2) Any person being a barrister of not less than fifteen years' standing or a judge of the High Court shall be qualified for appointment as a Lord Justice of Appeal.

(3) Any person qualified for appointment as a Lord Justice of Appeal, or being a judge of the Court of Appeal, shall be qualified for appointment as Lord Chief Justice, Master of the Rolls or President of the Probate Division.

Vacation of office.

10.—(1) The office of any judge of the High Court or of the Court of Appeal may be vacated by resignation in writing under his hand addressed to the Lord Chancellor, without any deed of surrender.

(2) The office of any judge of the High Court shall be vacated by his being appointed a judge of the Court of Appeal.

(3) Each of the said courts shall be deemed to be duly constituted during and notwithstanding any vacancy in the office of any judge of that court.

Filling of vacancies in High Court and Court of Appeal.

11.—(1) Whenever the office of a judge of the High Court (other than the Lord Chancellor) or of a Lord Justice of Appeal is vacant, a new judge may be appointed by His Majesty by Letters Patent:

Provided that—

(*a*) Whenever the whole number of the puisne judges attached to the King's Bench Division amounts to fifteen or upwards, a vacancy occurring among those judges shall not be filled unless and until an address is presented to His Majesty from both Houses of Parliament representing that the state of business in that Division requires that the vacancy should be filled, but where such an

address has been presented, it shall be lawful for His Majesty from time to time without any further address to fill any vacancy which may arise among the said judges at any time within a period of one year next after the date of the presentation to His Majesty of that address; and

(*b*) The judge appointed to fill a vacancy in the High Court shall, subject to the provisions of this Act and to rules of court, become a member of the same Division as that to which the vacating judge belonged.

(2) The persons appointed to fill the offices of Lord Chief Justice and Master of the Rolls and their successors respectively shall continue to be appointed to those offices with the same respective precedence and titles and in the same manner respectively as formerly.

(3) The Letters Patent for appointing a Lord Justice of Appeal shall be passed in the same manner in which Letters Patent for appointing the judges of the High Court are passed under the Great Seal.

Tenure of judges, oaths of office, and disqualification for sitting in House of Commons.

12.—(1) All the judges of the High Court and of the Court of Appeal, with the exception of the Lord Chancellor, shall hold their offices during good behaviour subject to a power of removal by His Majesty on an address presented to His Majesty by both Houses of Parliament.

(2) No judge of either of the said courts shall be capable of being elected to or of sitting in the House of Commons.

(3) Every person appointed to be judge of either of the said courts (other than the Lord Chancellor) shall, when he enters on the execution of his office, take, in the presence of the Lord Chancellor, the oath of allegiance and judicial oath as defined by the Promissory Oaths Act, 1868.

31 & 32 Vict. c. 72.

(4) The oaths to be taken by the Lord Chancellor shall be the same as immediately before the commencement of this Act.

Salaries of judges.

13.—(1) There shall be paid to the several judges of the High Court and of the Court of Appeal the following salaries respectively—

To the Lord Chancellor such yearly sum as with the amount payable to him as Speaker of the

House of Lords is sufficient to make up the sum of ten thousand pounds a year;

To the Lord Chief Justice the sum of eight thousand pounds a year;

To the Master of the Rolls the sum of six thousand pounds a year;

To each of the Lords Justices of Appeal, and to each of the judges of the High Court other than the Lord Chancellor and the Lord Chief Justice, the sum of five thousand pounds a year.

(2) The salary payable as aforesaid to any judge shall in each case include any pension which may have been granted to him in respect of any public office previously filled by him.

(3) Every salary payable as aforesaid shall begin from the date of appointment.

Pensions of judges.

14. His Majesty may, by Letters Patent, grant to any of the judges hereinafter mentioned who has served for fifteen years as a judge in the High Court and the Court of Appeal, or either of those courts, or who is disabled by permanent infirmity from the performance of the duties of his office, a pension, by way of annuity, to be continued during his life—

In the case of the Lord Chief Justice, not exceeding four thousand pounds a year;

In the case of the Master of the Rolls, not exceeding three thousand seven hundred and fifty pounds a year;

In the case of any Lord Justice of Appeal or any judge of the High Court, other than the Lord Chancellor and the Lord Chief Justice, not exceeding three thousand five hundred pounds a year.

Charge and payment of salaries and pensions.

15. The salaries and pensions payable to the judges of the Supreme Court under this Act shall—

(*a*) be charged on and paid out of the Consolidated Fund or the growing produce thereof; and

(*b*) accrue due from day to day; and

(*c*) be payable on the usual quarterly days of payment or at such other periods in every year as the Treasury may from time to time determine.

Precedence of judges.

16.—(1) The Lord Chief Justice and the Master of the Rolls, shall, when sitting and acting in the Court of Appeal, rank in that order, and a person who has held the office of Lord Chancellor or a Lord of Appeal in Ordinary shall, when so sitting and acting, rank according to his precedence as a peer.

(2) The President of the Probate Division shall have rank and precedence next after the Master of the Rolls.

(3) The Lords Justices of Appeal, if not entitled to precedence as peers or privy councillors, shall rank after the ex-officio judges and according to the priority of the dates at which they respectively became judges of the Court of Appeal.

(4) The judges of the High Court who are not also judges of the Court of Appeal shall rank next after the judges of the Court of Appeal, and among themselves according to the priority of the dates at which they respectively became judges of the High Court.

Power of judges to act in cases relating to rates and taxes.

17.—(1) A judge of the High Court or of the Court of Appeal shall not be incapable of acting in his judicial office in any proceeding by reason of his being as one of several ratepayers or as one of any other class of persons liable, in common with others, to contribute to or to be benefited by any rate or tax which may be increased, diminished or in any way affected by that proceeding.

(2) In this section the expression "rate or tax" means any rate, tax, duty or assessment whether public, general or local, and also any fund formed from the proceeds of any such rate, tax, duty or assessment, or applicable to the same or like purposes to which any such rate, tax, duty or assessment might be applied.

PART II.

JURISDICTION AND LAW.

Jurisdiction of the High Court.

General jurisdiction of High Court.

18.—(1) The High Court shall be a superior court of record.

(2) There shall be vested in the High Court:—

(*a*) Subject as otherwise provided in this Act, the jurisdiction which was formerly vested in, or

capable of being exercised by, all or any of the courts following:—

(i) The High Court of Chancery, both as a common law court and as a court of equity, including the jurisdiction of the Master of the Rolls as a judge or master of the Court of Chancery and any jurisdiction exercised by him in relation to the Court of Chancery as a common law court;

(ii) The Court of Queen's Bench;

(iii) The Court of Common Pleas at Westminster;

(iv) The Court of Exchequer, both as a court of revenue and as a common law court;

(v) The Court of Common Pleas at Lancaster;

(vi) The Court of Pleas at Durham;

(vii) The courts created by commissions of assize:

(*b*) All original jurisdiction which, under or by virtue of any enactment which came into force after the commencement of the Act of 1873 and is not repealed by this Act, was immediately before the commencement of this Act vested in or capable of being exercised by the High Court constituted by the Act of 1873:

(*c*) Such other jurisdiction, as is hereinafter in this Act conferred on the High Court.

(3) The jurisdiction vested in the High Court shall, subject as otherwise provided in this Act, include the jurisdiction which was formerly vested in, or capable of being exercised by, all or any one or more of the judges of the courts aforesaid respectively sitting in court or chambers or elsewhere, when acting as judges or a judge, in pursuance of any statute, law or custom, and all powers given to any such court or to any such judges or judge by any statute, and also all ministerial powers,

duties and authorities incident to any and every part of the jurisdictions so vested.

Jurisdiction not vested in High Court.

19. Subject to the provisions of any enactment which came into force after the commencement of the Act of 1873, there shall not be vested in the High Court—

(1) Any appellate jurisdiction formerly vested in the Court of Appeal in Chancery, or in that court sitting as a court of appeal in bankruptcy :

(2) Any jurisdiction formerly vested in the Court of Appeal in Chancery of the county palatine of Lancaster :

(3) Any jurisdiction which formerly was usually vested in the Lord Chancellor or in the Lords Justices of Appeal in Chancery, or either of them, in relation to the custody of the persons and estates of idiots, lunatics and persons of unsound mind:

(4) Any jurisdiction formerly vested in the Lord Chancellor in relation to grants of Letters Patent, or the issue of commissions or other writings to be passed under the Great Seal of the United Kingdom :

(5) Any jurisdiction formerly exercised by the Lord Chancellor in right of or on behalf of Her late Majesty as visitor of any college or of any charitable or other foundation :

(6) Any jurisdiction formerly vested in the Master of the Rolls in relation to records in London or elsewhere in England.

Probate jurisdiction of High Court.

20. Subject to the provisions of this Act the High Court shall, in relation to probates and letters of administration, have the following jurisdiction (in this Act referred to as "probate jurisdiction"), that is to say :—

(*a*) all such voluntary and contentious jurisdiction and authority in relation to the granting or revoking of probate and administration of the effects of deceased persons as was at the commencement

of the Court of Probate Act, 1857, vested in or exerciseable by any court or person in England, together with full authority to hear and determine all questions relating to testamentary causes and matters: 20 & 21 Vict. c. 77.

(*b*) all such powers throughout England in relation to the personal estate in England of deceased persons as the Prerogative Court of Canterbury had immediately before the commencement of the Court of Probate Act, 1857, in the Province of Canterbury or in the parts thereof within its jurisdiction in relation to those testamentary causes and matters and those effects of deceased persons which were at that date within the jurisdiction of that court:

(*c*) such like jurisdiction and powers with respect to the real estate of deceased persons as are hereinbefore conferred with respect to the personal estate of deceased persons:

(*d*) all probate jurisdiction which, under or by virtue of any enactment which came into force after the commencement of the Act of 1873 and is not repealed by this Act, was immediately before the commencement of this Act vested in or capable of being exercised by the High Court constituted by the Act of 1873:

and the court shall, in the exercise of the probate jurisdiction perform all such like duties with respect to the estates of deceased persons as were immediately before the commencement of the Court of Probate Act, 1857, to be performed by ordinaries generally or by the Prerogative Court of Canterbury in respect of probates, administrations and testamentary causes and matters which were at that date within their respective jurisdictions.

Jurisdiction of High Court in matrimonial causes and legitimacy declarations. 20 & 21 Vict. c. 85.

21. The High Court shall have such jurisdiction—

(*a*) in relation to matrimonial causes and matters, as was immediately before the commencement of the Matrimonial Causes Act, 1857, vested in or exerciseable by any ecclesiastical court or person in England in respect of divorce a mensâ et thoro, nullity of marriage, jactitation of marriage, or restitution of conjugal

rights, and in respect of any matrimonial cause or matter except marriage licences; and

(*b*) with respect to declarations of legitimacy and of validity of marriage, as is hereinafter in this Act provided;

and all such jurisdiction in relation to matrimonial causes and matters as, under or by virtue of any enactment which came into force after the commencement of the Act of 1873 and is not repealed by this Act, was immediately before the commencement of this Act vested in or capable of being exercised by the High Court constituted by the Act of 1873.

Admiralty jurisdiction of High Court.

22.—(1) The High Court shall, in relation to admiralty matters, have the following jurisdiction (in this Act referred to as "admiralty jurisdiction") that is to say—

(*a*) Jurisdiction to hear and determine any of the following questions or claims:—

(i) Any question as to the title to or ownership of a ship, or the proceeds of sale of a ship remaining in the admiralty registry, arising in an action of possession, salvage, damage, necessaries, wages or bottomry;

(ii) Any question arising between the co-owners of a ship registered at any port in England as to the ownership, possession, employment or earnings of that ship, or any share thereof, with power to settle any account outstanding and unsettled between the parties in relation thereto, and to direct the ship, or any share thereof, to be sold, or to make such order as the court thinks fit;

(iii) Any claim for damage received by a ship, whether received within the body of a county or on the high seas;

(iv) Any claim for damage done by a ship;

(v) Subject to the provisions of section five hundred and forty-seven of the Merchant Shipping Act, 1894, with respect to the summary determination of salvage disputes, any claim in the nature of salvage for services

57 & 58 Vict. c. 60.

rendered to a ship (including, subject to the provisions of the said Act, services rendered in saving life from a ship), whether rendered on the high seas or within the body of a county, or partly on the high seas and partly within the body of a county, and whether the wreck in respect of which the salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land;

(vi) Any claim in the nature of towage, whether the services were rendered within the body of a county or on the high seas;

(vii) Any claim for necessaries supplied to a foreign ship, whether within the body of a county or on the high seas, and, unless it is shown to the court that at the time of the institution of the proceedings any owner or part owner of the ship was domiciled in England, any claim for any necessaries supplied to a ship elsewhere than in the port to which the ship belongs;

(viii) Any claim by a seaman of a ship for wages earned by him on board the ship, whether due under a special contract or otherwise, and any claim by the master of a ship for wages earned by him on board the ship and for disbursements made by him on account of the ship;

(ix) Any claim in respect of a mortgage of any ship, being a mortgage duly registered in accordance with the provisions of the Merchant Shipping Acts, 1894 to 1923, or in respect of any mortgage of a ship which is, or the proceeds whereof are, under the arrest of the court;

(x) Any claim for building, equipping or repairing a ship, if at the time of the institution of the proceedings the ship is, or the proceeds thereof are, under the arrest of the court;

(xi) Any matter concerning booty of war, or the distribution thereof, which may be referred to the court by His Majesty in Council;

(xii) Any claim—

(1) arising out of an agreement relating to the use or hire of a ship; or

(2) relating to the carriage of goods in a ship; or

(3) in tort in respect of goods carried in a ship;

unless it is shown to the court that at the time of the institution of the proceedings any owner or part owner of the ship was domiciled in England:

(*b*) Any other jurisdiction formerly vested in the High Court of Admiralty:

(*c*) All admiralty jurisdiction which, under or by virtue of any enactment which came into force after the commencement of the Act of 1873 and is not repealed by this Act, was immediately before the commencement of this Act vested in or capable of being exercised by the High Court constituted by the Act of 1873.

(2) The provisions of paragraph (*a*) of subsection (1) of this section which confer on the High Court admiralty jurisdiction in respect of claims for damage shall be construed as extending to claims for loss of life or personal injuries.

(3) In this Act, unless the context otherwise requires, the expression "ship" includes any description of vessel used in navigation not propelled by oars.

Prize jurisdiction of High Court.

23. The High Court shall be a prize court within the meaning of the Naval Prize Acts, 1864 to 1916, as amended by any subsequent enactment, and shall have all such jurisdiction on the high seas and throughout His Majesty's Dominions and in every place where His Majesty has jurisdiction as, under any Act relating to naval prize or otherwise, the High Court of Admiralty possessed when acting as a prize court.

Jurisdiction of High Court with respect to appeals from inferior courts.

24. Subject as otherwise provided in this Act and to rules of court, the High Court shall have jurisdiction to hear and determine—

(*a*) any appeal from any court which might formerly have been brought to any court or judge whose

jurisdiction was by the Act of 1873 transferred to the High Court constituted by that Act; and

(*b*) any application, or any appeal, whether by way of case stated or otherwise, which under or by virtue of any enactment which came into force after the commencement of the Act of 1873 and is not repealed by this Act, the High Court constituted by that Act had power to hear and determine immediately before the commencement of this Act.

Cases stated by and appeals from quarter sessions. 11 & 12 Vict. c. 78. 12 & 13 Vict. c. 45.

25.—(1) Every case stated by a court of quarter sessions otherwise than under the Crown Cases Act, 1848, or the Quarter Sessions Act, 1849, for the consideration of the High Court shall be deemed to be an appeal, and shall be heard and determined accordingly.

(2) On the hearing of an appeal from a court of quarter sessions the appellate court may draw any inference of fact which might have been drawn in the court of quarter sessions, and may give any judgment or make any order which ought to have been given or made by that court, or may remit the order, and in criminal matters the conviction with the order, and the case stated on it, with the opinion or direction of the appellate court, for re-hearing and determination by the court of quarter sessions, or may remit the case for re-statement.

(3) On the hearing of any such appeal the appellate court shall have full power to determine how and by whom the costs of the proceedings in the appellate court and in the court of quarter sessions are to be borne.

(4) The judgment on any such appeal or, where an appeal to a court of quarter sessions has been directed to be entered for re-hearing, then that appeal shall on motion by any party to the appeal be entered at the sessions next or next but one after the delivery of the judgment or the giving of the direction, and shall unless the appellate court otherwise directs have effect as if the judgment had been given or, in case of an appeal directed to be re-heard, the appeal had been heard and determined, by the court of quarter sessions at the time of the decision in respect of which the appeal from quarter sessions was brought, and entry and respite of any appeal to quarter sessions in respect of which a case has been stated for the consideration of the High Court shall not be necessary.

Jurisdiction of the Court of Appeal.

Jurisdiction vested in Court of Appeal.

26.—(1) The Court of Appeal shall be a superior court of record.

(2) There shall be vested in the Court of Appeal:—

(*a*) All jurisdiction and powers formerly vested in the Lord Chancellor and the Court of Appeal in Chancery when exercising appellate jurisdiction:

(*b*) All jurisdiction and powers formerly vested in the Court of Exchequer Chamber:

(*c*) Subject to the provisions of this Act, all jurisdiction formerly vested in or capable of being exercised by Her late Majesty in Council, or the Judicial Committee of the Privy Council, on appeal from any judgment or order of the High Court of Admiralty, or from any order in lunacy made by the Lord Chancellor, or any other person having jurisdiction in lunacy:

(*d*) All jurisdiction which, under or by virtue of any enactment which came into force after the commencement of the Act of 1873 and is not repealed by this Act, was immediately before the commencement of this Act vested in or capable of being exercised by the Court of Appeal constituted by the Act of 1873.

Appeals from High Court.

27.—(1) Subject as otherwise provided in this Act and to rules of court, the Court of Appeal shall have jurisdiction to hear and determine appeals from any judgment or order of the High Court, and for all the purposes of and incidental to the hearing and determination of any appeal, and the amendment, execution and enforcement of any judgment or order made thereon, the Court of Appeal shall have all the power, authority and jurisdiction of the High Court:

Provided that an appeal from a judgment or order of the High Court when acting as a prize court shall not lie to the Court of Appeal, but shall lie to His Majesty in Council in accordance with the provisions of the Naval Prize Acts, 1864 to 1916.

(2) The decision of the Court of Appeal on any question arising under the provisions of this Act relating to matrimonial causes and matters and to declarations of legitimacy and of validity of marriage shall be final, except where the decision is either on the grant or refusal of a decree on a petition for dissolution or nullity of marriage or for such a declaration as aforesaid, or on a question of law on which the Court of Appeal gives leave to appeal.

Jurisdiction of Court of Appeal with respect to appeals from palatinate courts.

28. Subject to the provisions of this Act and to rules of court, the Court of Appeal shall have jurisdiction and power to hear and determine appeals from any judgment or order of the Lancaster Chancery Court or of the Chancellor of Durham in the same manner as the Court of Appeal has power to hear and determine appeals from judgments and orders of the High Court or a judge thereof.

Appeals from convictions for non-repair of highways, &c. 7 Edw. 7. c. 23.

29. An appeal shall lie to the Court of Appeal from a conviction on indictment at common law in relation to the non-repair or obstruction of any highway, public bridge or navigable river, in whatever court the indictment is tried, and shall not lie under the Criminal Appeal Act, 1907.

Motions for New Trial, Restrictions on Appeals, &c.

Motions for new trial.

30.—(1) Every motion for a new trial, or to set aside a verdict, finding or judgment, in any cause or matter in the High Court in which there has been a trial thereof or of any issue therein with a jury, shall be heard and determined by the Court of Appeal.

(2) Nothing in this section shall alter the practice in any criminal cause or matter or in bankruptcy, or in proceedings on the Crown side of the King's Bench Division.

Restrictions on appeals.

31.—(1) No appeal shall lie—

(*a*) except as provided by the Criminal Appeal Act, 1907, or this Act, from any judgment of the High Court in any criminal cause or matter;

(*b*) from an order allowing an extension of time for appealing from a judgment or order;

(*c*) from an order of a judge giving unconditional leave to defend an action;

(*d*) from the decision of the High Court or of any judge thereof where it is provided by any Act that the decision of any court or judge, the jurisdiction of which or of whom is now vested in the High Court, is to be final;

(*e*) from an order absolute for the dissolution or nullity of marriage in favour of any party who having had time and opportunity to appeal from the decree nisi on which the order was founded, has not appealed from that decree;

(*f*) without the leave of the divisional court or of the Court of Appeal, from the determination by a divisional court of any appeal to the High Court;

(*g*) subject to the provisions of this section as to appeals in matters of practice and procedure, without the leave of the judge by whom the order was made or of the Court of Appeal, from any order made by a judge of the High Court in chambers where no application to set aside or discharge the order has been made to a divisional court or the judge sitting in court, as the case may be;

(*h*) without the leave of the court or judge making the order, from an order of the High Court or any judge thereof made with the consent of the parties or as to costs only which by law are left to the discretion of the court;

(*i*) without the leave of the judge or of the Court of Appeal from any interlocutory order or interlocutory judgment made or given by a judge, except in the following cases, namely—

(i) where the liberty of the subject or the custody of infants is concerned;

(ii) where an injunction or the appointment of a receiver is granted or refused;

(iii) in the case of a decision determining the claim of any creditor or the liability of any contributory or the liability of any director or other officer under the Companies (Consolidation) Act, 1908, in respect of misfeasance or otherwise; 8 Edw. 7. c. 69.

(iv) in the case of a decree nisi in a matrimonial cause or a judgment or order in an admiralty action determining liability;

(v) in the case of an order on a special case stated under the Arbitration Act, 1889; 52 & 53 Vict. c. 49.

(vi) in such other cases, to be prescribed, as are in the opinion of the authority having power to make rules of court of the nature of final decisions;

(*j*) without the special leave of the High Court, from the decision of the High Court on any question of law, whether on appeal or otherwise, under the Parliamentary Elections Act, 1868, or Part IV. of the Municipal Corporations Act, 1882, or any Act amending either of those Acts, and if leave to appeal is granted the decision of the Court of Appeal in the case shall be final and conclusive; 31 & 32 Vict. c. 125. 45 & 46 Vict. c. 50.

(*k*) from the decision of the High Court on any appeal from a county court on a point of law arising in any probate cause or matter.

(2) An order refusing unconditional leave to defend an action shall not be deemed to be an interlocutory order within the meaning of this section.

(3) In matters of practice and procedure every appeal from a judge shall be to the Court of Appeal.

32. The jurisdiction vested in the High Court and the Court of Appeal respectively shall, so far as regards procedure and practice, be exercised in the manner provided by this Act or by rules of court, and where no special provision is contained in this Act or in rules of court with reference thereto, any such jurisdiction shall be exercised as nearly as may be in the same manner as Rules as to exercise of jurisdiction.

that in which it might have been exercised by the court to which it formerly appertained.

Special provisions as to exercise of admiralty jurisdiction.

33.—(1) The following provisions shall have effect in relation to the exercise by the High Court of the admiralty jurisdiction of the court:—

(*a*) If in any claim for salvage services the plaintiff does not recover more than three hundred pounds, he shall not be entitled to recover any costs of the proceedings unless it is certified by a court or a judge that the case was a fit one to be tried otherwise than summarily in manner provided by section five hundred and forty-seven of the Merchant Shipping Act, 1894:

57 & 58 Vict. c. 60.

(*b*) If in any claim arising out of an agreement relating to the use or hire of a ship, or any claim relating to the carriage of goods in a ship, or any claim in tort in respect of goods carried in a ship, the plaintiff recovers a less amount than twenty pounds, he shall not be entitled to any costs of the proceedings unless it is certified by the court or a judge that there was sufficient reason for bringing the proceedings in the High Court:

(*c*) If in any such claim as is mentioned in paragraph (*b*) of this subsection, the plaintiff recovers a less amount than three hundred pounds he shall not be entitled to any more costs than those to which he would be entitled if the proceedings had been brought in the county court unless it is certified by the court or a judge that there was sufficient reason for bringing the proceedings in the High Court:

(*d*) In any matter concerning booty of war the procedure of the court shall be the same as in cases of prize:

(*e*) Disputes relating to salvage may be determined on the application either of the salvor or of the owner of the property saved, or of their respective agents.

(2) The admiralty jurisdiction of the High Court may be exercised either in proceedings in rem or in proceedings in personam.

(3) Where, on an appeal from an admiralty action which has been heard in the county court with the assistance of nautical assessors, any party makes application to the High Court in that behalf, the court shall summon Trinity Masters to assist on the hearing of the appeal if the court is of opinion that such assistance is necessary or desirable.

Provisions for extraordinary duties of judges of former courts.

34.—(1) If in any case not expressly provided for by this Act any duty or any authority or power, not incident to the administration of justice in any court the jurisdiction of which is now vested in the High Court, has been imposed or conferred by any statute, law or custom on any judge of that court, every judge of the High Court shall, save as in this Act mentioned, be liable to perform that duty and empowered to exercise that authority or power, as if he had been duly appointed the successor of a judge formerly subject to that duty or possessing that authority or power and the Act of 1873 had not passed.

(2) Any such duty, authority or power imposed or conferred by any statute, law or custom in any such case as aforesaid on the Lord Chancellor, the Lord Chief Justice or the Master of the Rolls, shall continue to be performed and exercised by them respectively, and by their respective successors, in the same manner as formerly.

Lord Chief Justice to have powers of Chief Justice of Common Pleas and Chief Baron of Exchequer.

35.—(1) Where by any statute any power was given to or any act was required or authorised to be done by the Lord Chief Justice of the Common Pleas and the Lord Chief Baron of the Exchequer, or either of them, either solely or jointly with the Lord Chief Justice of the Queen's Bench or the Lord Chief Justice, and either with or without the Lord Chancellor or any judge, officer or person, that power may be exercised and that act done by the Lord Chief Justice.

(2) Where by any statute the concurrence of the Lord Chief Justice of the Common Pleas and the Lord Chief Baron of the Exchequer, or either of them, is required for the exercise of any power or the performance of any act, the concurrence of the Lord Chief Justice shall be sufficient.

Law and Equity.

Law and equity to be concurrently administered.

36. Subject to the express provisions of any other Act, in every civil cause or matter commenced in the High Court law and equity shall be administered by the High Court and the Court of Appeal, as the case may be, according to the provisions of the seven sections of this Act next following.

Equities of plaintiff.

37. If a plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief on any equitable ground against any deed, instrument or contract, or against any right, title or claim whatsoever asserted by any defendant or respondent in the cause or matter, or to any relief founded upon a legal right, which formerly could only have been given by a court of equity, the court or judge shall give to the plaintiff or petitioner the same relief as ought formerly to have been given by the Court of Chancery in a suit or proceeding for the like purpose properly instituted.

Equitable defences.

38. If a defendant claims to be entitled to any equitable estate or right, or to relief on any equitable ground against any deed, instrument or contract, or against any right, title or claim asserted by any plaintiff or petitioner in the cause or matter, or alleges any ground of equitable defence to any such claim of the plaintiff or petitioner, the court or judge shall give to every equitable estate, right or ground of relief so claimed, and to every equitable defence so alleged, the same effect by way of defence against the claim of the plaintiff or petitioner, as the Court of Chancery ought formerly to have given if the like matters had been relied on by way of defence in any suit or proceeding instituted in that court for the like purpose.

Counter-claims and third parties.

39.—(1) The court or judge shall have power to grant to any defendant in respect of any equitable estate or right or other matter or equity, and also in respect of any legal estate, right or title claimed or asserted by him—

(*a*) all such relief against any plaintiff or petitioner as the defendant has properly claimed by his pleading, and as the court or judge might have

granted in any suit instituted for that purpose by that defendant against the same plaintiff or petitioner; and

(*b*) all such relief relating to or connected with the original subject of the cause or matter, claimed in like manner against any other person, whether already a party to the cause or matter or not, who has been duly served with notice in writing of the claim pursuant to rules of court or any order of the court, as might properly have been granted against that person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose.

(2) Every person served with any such notice as aforesaid shall thenceforth be deemed a party to the cause or matter with the same rights in respect of his defence against the claim as if he had been duly sued in the ordinary way by the defendant.

Equities appearing incidentally.

40. The court or judge shall take notice of all equitable estates, titles and rights, and all equitable duties and liabilities appearing incidentally in the course of any cause or matter, in the same manner in which the Court of Chancery would formerly have taken notice of those matters in any suit or proceeding duly instituted therein.

Defence or stay instead of injunction or prohibition.

41. No cause or proceeding at any time pending in the High Court or the Court of Appeal shall be restrained by prohibition or injunction, but every matter of equity on which an injunction against the prosecution of any such cause or proceeding might formerly have been obtained, whether unconditionally or on any terms or conditions, may be relied on by way of defence thereto:

Provided that—

(*a*) Nothing in this Act shall disable either of the said courts, if it thinks fit so to do, from directing a stay of proceedings in any cause or matter pending before it; and

(*b*) Any person, whether a party or not to any such cause or matter, who would formerly have been entitled to apply to any court to restrain

the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any judgment, decree, rule or order, in contravention of which all or any part of the proceedings in the cause or matter have been taken, may apply to the High Court or the Court of Appeal, as the case may be, by motion in a summary way, for a stay of proceedings in the cause or matter, either generally, or so far as may be necessary for the purposes of justice, and the court shall thereupon make such order as shall be just.

Common law and statutory rights and duties.

42. Subject to the provisions of this Act for giving effect to equitable rights and other matters of equity, the court or judge shall give effect to all legal claims and demands, and all estates, titles, rights, duties, obligations and liabilities existing by the common law or by any custom, or created by any statute, in the same manner as those matters would formerly have been given effect to by any of the courts the jurisdiction of which was vested in the High Court constituted by the Act of 1873.

Determination of matter completely and finally.

43. The High Court and the Court of Appeal respectively, in the exercise of the jurisdiction vested in them by this Act, shall, in every cause or matter pending before the court, grant, either absolutely or on such terms and conditions as the court thinks just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any legal or equitable claim properly brought forward by them in the cause or matter, so that, as far as possible, all matters in controversy between the parties may be completely and finally determined, and all multiplicity of legal proceedings concerning any of those matters avoided.

Rules of equity to prevail.

44. Subject to the express provisions of any other Act, in questions relating to the custody and education of infants and generally in all matters not particularly mentioned in this Act, in which there was formerly or is any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity shall prevail in all courts whatsoever in England so far as the matters to which those rules relate are cognizable by those courts.

Miscellaneous.

Mandamus, injunctions and receivers.

45.—(1) The High Court may grant a mandamus or an injunction or appoint a receiver by an interlocutory order in all cases in which it appears to the court to be just or convenient so to do.

(2) Any such order may be made either unconditionally or on such terms and conditions as the court thinks just.

(3) If, whether before, or at, or after the hearing of any cause or matter, an application is made for an injunction to prevent any threatened or apprehended waste or trespass, the injunction may be granted, if the court thinks fit, whether the person against whom the injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under any colour of title, and whether the estates claimed by both or by either of the parties are legal or equitable.

Relief against forfeiture for non-payment of rent.

46. In the case of any action for a forfeiture brought for non-payment of rent, the High Court or a judge thereof shall have power to give relief in a summary manner, and subject to the same terms and conditions in all respects as to payment of rent, costs and otherwise as could formerly have been imposed in the Court of Chancery, and if the lessee, his executors, administrators or assigns are so relieved they shall hold the demised premises according to the terms of the lease and without the necessity of any new lease.

Execution of instruments by order of court.

47. Where any person neglects or refuses to comply with a judgment or order directing him to execute any conveyance, contract or other document, or to indorse any negotiable instrument, the High Court may, on such terms and conditions, if any, as may be just, order that the conveyance, contract or other document shall be executed or that the negotiable instrument shall be indorsed by such person as the court may nominate for that purpose, and a conveyance, contract, document or instrument so executed or indorsed shall operate and be for all purposes available as if it had been executed or indorsed by the person originally directed to execute or indorse it.

Quo warranto.

48. Proceedings in quo warranto shall be deemed to be civil proceedings whether for purposes of appeal or otherwise.

Subpœna issued by High Court to run throughout United Kingdom.

49.—(1) If in any cause or matter in the High Court (including a cause or matter referred to an official or special referee or arbitrator under the provisions of this Act relating to inquiries and trials by referees) it appears to the court or a judge that it is proper to compel the personal attendance at any trial of a witness who may not be within the jurisdiction of the court, it shall be lawful for the court or a judge, if in the discretion of the court or a judge it seems fit so to do, to order that a writ of subpœna ad testificandum or writ of subpœna duces tecum shall issue in special form commanding the witness to attend the trial wherever he shall be within the United Kingdom, and the service of any such writ in any part of the United Kingdom, shall be as valid and effectual to all intents and purposes as if it had been served within the jurisdiction of the High Court.

(2) Every such writ shall have at its foot a statement to the effect that it is issued by the special order of the court or a judge as the case may be, and no such writ shall issue without such a special order.

(3) If any person served with a writ issued under this section does not appear as required by the writ, the High Court, on proof to the satisfaction of the court of the service of the writ and of the default, may transmit a certificate of the default under the seal of the court or under the hand of a judge of the court, in case the service was in Scotland to the Court of Session at Edinburgh, and in case the service was in Northern Ireland to the High Court of Justice of Northern Ireland at Belfast, and the court to which the certificate is so sent shall thereupon proceed against and punish the person so having made the default in like manner as if that person had neglected or refused to appear in obedience to process issued out of that court.

(4) No court shall in any case proceed against or punish any person for having made such default as aforesaid unless it is shown to the court that a reasonable and sufficient sum of money to defray the expenses of coming and attending to give evidence and of returning

from giving evidence was tendered to that person at the time when the writ was served upon him.

(5) Nothing herein contained shall alter or affect:—

(*a*) the power of the High Court to issue a commission for the examination of witnesses out of the jurisdiction of the court in any case in which, notwithstanding this section, the court thinks fit to issue such a commission; or

(*b*) the admissibility of any evidence at any trial where such evidence is now by law receivable on the ground of any witness being beyond the jurisdiction of the court, and the admissibility of any such evidence shall be determined as if this section and any enactment reproduced by this section had not passed.

Costs.

50.—(1) Subject to the provisions of this Act and to rules of court and to the express provisions of any other Act, the costs of and incidental to all proceedings in the Supreme Court, including the administration of estates and trusts, shall be in the discretion of the court or judge, and the court or judge shall have full power to determine by whom and to what extent the costs are to be paid.

(2) Nothing in this section shall alter the practice in any criminal cause or matter, in bankruptcy or in proceedings on the Crown side of the King's Bench Division.

Restriction on institution of vexatious actions.

51.—(1) If, on an application made by the Attorney-General under this section, the High Court is satisfied that any person has habitually and persistently and without any reasonable ground instituted vexatious legal proceedings, whether in the High Court or in any inferior court, and whether against the same person or against different persons, the court may, after hearing that person or giving him an opportunity of being heard, order that no legal proceedings shall without the leave of the High Court or a judge thereof be instituted by him in any court, and such leave shall not be given unless the court or judge is satisfied that the proceedings are not an abuse of the process of the court and that there is primâ facie ground for the proceedings.

(2) If the person against whom an order is sought under this section is unable on account of poverty to retain counsel, the High Court shall assign counsel to him.

(3) A copy of any order made under this section shall be published in the London Gazette.

PART III.

SITTINGS, DISTRIBUTION OF BUSINESS, AND ASSIZES.

Sittings and Vacations.

Provision for continuous sittings at Royal Courts of Justice.

52. Subject to rules of court, such number of judges of the High Court as may be requisite having regard to the business to be disposed of shall, so far as reasonably practicable and subject to vacations, sit continuously at the Royal Courts of Justice for the trial of causes in the King's Bench Division.

Vacations.

53.—(1) His Majesty may from time to time by Order in Council, on a report or recommendation made, with the concurrence of the Lord Chancellor, by the council of judges of the Supreme Court assembled in pursuance of the provisions of Part X. of this Act, make, revoke or modify orders regulating the vacations to be observed by the High Court and the Court of Appeal and in the offices of the said courts respectively.

(2) Any Order in Council made in pursuance of this section shall, so long as it continues in force, have effect as if enacted in this Act, and rules of court may be made accordingly for carrying the Order into effect.

Sittings in vacation.

54. Provision shall be made by rules of court for the hearing during vacation by judges of the High Court and the Court of Appeal respectively of all such applications as may require to be immediately or promptly heard.

Distribution of Business.

Distribution of business.

55. Without prejudice to any other provision of this Act, all causes and matters in the High Court

shall, subject to the power of transfer, be distributed among the several Divisions and judges of the High Court, in such manner as may be directed by rules of court, and subject thereto all such causes and matters shall be assigned to the said Divisions respectively in the manner hereinafter provided.

Assignment of business to Divisions.

56. Without prejudice to any other provision of this Act, there shall be assigned—

(1) To the Chancery Division—

(*a*) All causes and matters in respect of which exclusive jurisdiction was under any Act given to the Court of Chancery or to any judge thereof:

(*b*) All causes and matters for any of the following purposes:

The administration of the estates of deceased persons;

The dissolution of partnerships or the taking of partnership or other accounts;

The redemption or foreclosure of mortgages;

The raising of portions or other charges on land;

The sale and distribution of the proceeds of property subject to any lien or charge;

The execution of trusts, charitable or private;

The rectification or setting aside, or cancellation of deeds or other written instruments;

The specific performance of contracts between vendors and purchasers of real estates, including contracts for leases;

The partition or sale of real estates;

The wardship of infants and the care of infants estates:

(*c*) All causes and matters which under, by virtue of or in pursuance of any enactment for the time being in force are assigned to that Division.

(2) To the King's Bench Division—

(*a*) All causes and matters, civil and criminal, which, if the Act of 1873 had not passed, would have been within the exclusive cognizance of the Court of Queen's Bench in the exercise of its original jurisdiction, or of the Court of Common Pleas at Westminster, or of the Court of Exchequer, either as a court of revenue or as a common law court:

(*b*) All causes and matters which under, by virtue of or in pursuance of any enactment for the time being in force are assigned to that Division.

(3) To the Probate Division—

(*a*) All causes and matters which, if the Act of 1873 had not passed, would have been within the exclusive cognizance of the Court of Probate, or the Court for Divorce and Matrimonial Causes, or of the High Court of Admiralty:

(*b*) All causes and matters within the jurisdiction of the High Court as a prize court:

(*c*) All causes and matters which under, by virtue of or in pursuance of any enactment for the time being in force are assigned to that Division.

Power of Lord Chancellor to re-distribute business among Divisions.

57.—(1) The Lord Chancellor may, if at any time it appears to him desirable so to do with a view to the more convenient administration of justice, by order direct that any jurisdiction vested in the High Court in respect of any matter which by any enactment (including this Act) or any rule or order made under any enactment (including this Act) is assigned to any Division shall, notwithstanding that enactment, rule or order, be assigned to such other Division as may be specified in the order and shall be exercised either by any special judge or judges or by all the judges of that other Division:

Provided that an order shall not be made under this subsection except with the concurrence both of the president of the Division to which the jurisdiction is at the time assigned and of the president of the Division to which the jurisdiction is to be transferred.

(2) Where under any enactment a right of appeal to the High Court or to any Division is given from decisions given by county courts in pursuance of the jurisdiction vested in county courts in respect of any matter, the Lord Chancellor may, notwithstanding anything in any enactment, by order direct to which Division the appeal shall lie.

(3) Any order made under this section may at any time be revoked, varied or amended by a subsequent order so made.

Option for plaintiff to choose Division.

58. Subject to rules of court and to the provisions of this Act, every person by whom any cause or matter is commenced in the High Court shall assign the cause or matter to such Division as he thinks fit by marking the document by which the cause or matter is commenced with the name of that Division and giving notice thereof to the proper officer:

Provided that—

(1) All interlocutory and other steps and proceedings in or before the High Court in any cause or matter subsequent to the commencement thereof, shall, subject to rules of court and to the power of transfer, be taken in the Division to which the cause or matter is for the time being attached; and

(2) If any plaintiff or petitioner assigns his cause or matter to any Division to which, according to rules of court or the provisions of this Act, it ought not to be assigned, the court or any judge of that Division, on being informed thereof, may, on a summary application at any stage of the cause or matter, direct the cause or matter to be transferred to the Division to which, according to those rules or provisions, it ought to have been assigned, or may retain it in the Division in which it was commenced; and

(3) All steps and proceedings taken by the plaintiff or petitioner or by any other party in any cause or matter and all orders made therein by the court or any judge thereof before any transfer shall be valid and effectual to all intents and purposes in the same manner as if

the steps and proceedings had been taken and the orders had been made in the Division to which the cause or matter ought to have been assigned; and

(4) Subject to rules of court, a person commencing any cause or matter shall not assign it to the Probate Division, unless he would have formerly been entitled to commence that cause or matter in the Court of Probate or the Court for Divorce and Matrimonial Causes, or unless the cause or matter is within the admiralty jurisdiction of the High Court.

Power of transfer.

59. Any cause or matter may at any time and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by such authority and in such manner as rules of court may direct from one Division or judge of the High Court to any other Division or judge thereof, or may by the like authority be retained in the Division in which it was commenced, although not the Division to which it ought in the first instance to have been assigned.

Proceedings in High Court to be disposed of by single judge.

60. Every proceeding in the High Court and all business arising thereout shall, so far as is practicable and convenient and subject to the provisions of this Act relating to divisional courts, be heard and disposed of before a single judge, and all proceedings in an action subsequent to the hearing or trial, down to and including the final judgment or order, shall, so far as is practicable and convenient, be taken before the judge before whom the trial or hearing took place.

Powers of single judge in court and in chambers.

61.—(1) A judge of the High Court may, subject to rules of court, exercise in court or in chambers all or any part of the jurisdiction vested in the High Court, in all such causes and matters and in all such proceedings in any causes or matters as might formerly have been heard in court or in chambers respectively by a single judge of any of the courts whose jurisdiction is vested in the High Court, or as may be directed or authorised to be so heard by rules of court, or by or in pursuance of any Act passed after the commencement of the Act of 1873, and for the time being in force.

(2) A judge of the High Court sitting in court shall be deemed to constitute a court of the High Court.

Discharge of orders made in chambers.

62. Subject to the provisions of this Act with respect to appeals in matters of practice and procedure, every order made by a judge of the High Court in chambers, except orders as to costs only which by law are left to the discretion of the court, may be set aside or discharged upon notice by any divisional court, or by the judge sitting in court, according to the practice of the Division to which the cause or matter in which the order was made is assigned.

Divisional courts of High Court.

63.—(1) Divisional courts may be held for the transaction of any business in the High Court which may be ordered by rules of court to be heard by a divisional court, and in all cases where there is a right of appeal to the High Court from any court or person the appeal shall be heard and determined by a divisional court.

(2) Divisional courts shall, for the purpose of the causes and matters which are to be heard by such courts, exercise all or any part of the jurisdiction of the High Court.

(3) Any number of divisional courts may sit at the same time.

(4) Every judge of the High Court shall be qualified to sit in any divisional court.

(5) The judge who is according to the order of precedence under this Act the senior of the judges constituting a divisional court shall be the president of the court.

(6) A divisional court shall be constituted of two judges and no more:

Provided that—

(*a*) The decisions of a divisional court shall not be invalidated by reason of the court being constituted of a greater number than two judges; and

(*b*) If the president of the Division to which the divisional court belongs, with the concurrence of the other judges of the Division or a majority thereof, or in the case of the King's Bench Division with the concurrence of not

less than two other judges of the Division, is of opinion that the divisional court should be constituted of a greater number of judges than two, the court may be constituted of such number of judges as the president, with such concurrence as aforesaid, thinks expedient; and

(*c*) A divisional court for hearing such an appeal as aforesaid shall be constituted in accordance with rules of court.

Duty of judges as to divisional courts.

64.—(1) Subject to rules of court, it shall be the duty of every judge of the High Court who is not for the time being occupied in the transaction of any business specially assigned to him or in the business of any other divisional court, to take part, if required, in the sittings of such divisional courts as may from time to time be necessary for the transaction of the business assigned to the King's Bench Division.

(2) All such arrangements as may be necessary or proper for that purpose or for constituting or holding divisional courts for any other purpose authorised by this Act, and also for the proper transaction of that part of the business of the King's Bench Division which is not to be transacted by a divisional court, shall be made from time to time under the direction and superintendence of the judges of the High Court, and in case of difference among them, in such manner as the majority of the judges, with the concurrence of the Lord Chief Justice, shall determine.

Distribution of business in Chancery Division.

65. Every cause or matter which is commenced in the Chancery Division shall be assigned in accordance with rules of court to one of the judges of that Division.

Power of judge of High Court to act for another judge or as an additional judge.

66.—(1) Any judge of any Division who may consent so to do may, on the request of the Lord Chancellor, sit and act for or on behalf of any other judge of the High Court absent from illness or any other cause, or in the place of any judge whose office has become vacant, or as an additional judge of any Division, for the purpose of hearing any causes or matters which may be assigned to him by the Lord Chancellor, or any applications therein:

Provided that no judge shall sit and act as an additional judge of any Division, except with the concurrence of the president of the Division to which he belongs and of the president of the Division in which he is requested so to sit and act, and the assignment to him of any causes or matters depending in the Division in which he so sits and acts shall not be made except with the concurrence of the president of that last-mentioned Division.

(2) Any proceeding in any cause or matter assigned to any judge of the High Court may, on the request and on behalf of that judge, at any time and without any transfer, be heard and disposed of by any other judge of the same Division, who may be willing to hear and dispose of the same:

Provided that if any party to the proceeding objects to the proceeding being so heard and disposed of it shall not be so heard and disposed of without the concurrence of the Lord Chancellor, to be signified by an order in writing under his hand.

(3) In any case of urgency arising during the absence from illness or any other cause of any judge of the High Court to whom any cause or matter has been assigned, or during any vacancy in the office of any such judge, any other judge of the High Court, who consents so to do, may hear and dispose of any application for an injunction or other interlocutory order for or on behalf of the absent judge, or in the place of the judge whose office is vacant.

(4) A judge shall, while sitting and acting under this section for another judge or as an additional judge of another Division, have all such power and authority as that other judge would have had or as ordinarily belongs to a judge of that other Division, as the case may be.

Selection of judges for trial of election petitions. 31 & 32 Vict. c. 125.

67.—(1) The judges to be placed on the rota for the trial of election petitions in England in each year, under the provisions of the Parliamentary Elections Act, 1868, or any Act amending that Act, shall be selected out of the judges of the King's Bench Division in such manner as may be provided by rules of court, and, subject thereto, shall be selected as follows, that is to say, the judges

of the King's Bench Division shall, on or before the fourth day of November in every year select by a majority of votes three of the puisne judges of that Division (none of whom shall be a member of the House of Lords) to be placed on the rota for the trial of election petitions during the ensuing year.

(2) If in any case the judges present at the time of their meeting to make such selection are equally divided in their choice of any judge to be placed on the rota, the Lord Chief Justice, or in case of his absence the senior judge then present, shall have a second or casting vote.

(3) The choice of a judge to fill any occasional vacancy on the rota or to assist the judge on the rota as an additional judge, shall be made in like manner.

(4) If at the end of the year for which a judge has been appointed under this section, any trial or other matter is pending before him, either alone or together with any other judge, or if after the conclusion of any trial or hearing judgment has not been given thereon, it shall be lawful for the judge to proceed with and to conclude that pending trial or other matter and to give judgment thereon after the end of that year, in the same manner in all respects as if the year for which he was appointed had not expired.

Sittings of Court of Appeal.

68.—(1) Subject to the provisions of this Act every appeal to the Court of Appeal which is an appeal against a final order or judgment, or is by way of motion for a new trial or to set aside a verdict, finding or judgment in any cause or matter in the High Court in which there has been a trial thereof or of any issue therein with a jury, shall be heard before not less than three judges of the Court of Appeal, and every such appeal shall, when it is an appeal against an interlocutory order or judgment, be heard before not less than two judges of that court.

(2) Any doubt which may arise as to what orders or judgments are final, and what are interlocutory, shall be determined by the Court of Appeal.

(3) Subject to the provisions of this section the Court of Appeal may sit in three divisions at the same time.

(4) No judge of the Court of Appeal shall sit as a judge on the hearing of an appeal from a judgment or order made in any case by himself or by any divisional court of the High Court of which he was a member.

(5) Notwithstanding anything in the foregoing provisions of this section, if all parties to an appeal or motion before the hearing file a consent to the appeal or motion being heard and determined before two judges of the Court of Appeal, the appeal or motion may be heard and determined accordingly, subject nevertheless to the same right, if any, of appeal to the House of Lords as if the hearing and determination had been before three judges :

Provided that—

(*a*) In all causes or matters to which any infant or person of unsound mind, whether so found by inquisition or not, or person under any other disability, is a party, no such consent shall be given by the next friend, guardian, committee or other person acting on behalf of the person under disability, so as to have the same force and effect as if that party were under no disability and had given such consent, unless with the previous consent of a court or a judge, nor so as to make such consent valid as between any committee of a lunatic and the lunatic, unless with the previous sanction of the Lord Chancellor or Lords Justices sitting in lunacy ; and

(*b*) If two judges having heard an appeal or motion differ in opinion, the case shall, on the application of any party to the appeal, be re-argued and determined by three judges before appeal to the House of Lords.

Power of a single judge in Court of Appeal.

69.—(1) In any cause or matter pending before the Court of Appeal, any direction incidental thereto not involving the decision of the appeal may be given by a single judge of that court, and a single judge of that court may at any time during vacation make any interim order to prevent prejudice to the claims of any parties pending an appeal, as he may think fit.

(2) Every order made by a single judge of the Court of Appeal in pursuance of this section may be discharged

or varied by any judges of that court having power to hear and determine the appeal.

Circuits and Assizes.

Commissions of assize and jurisdiction of commissioners.

70.—(1) His Majesty may, by commission of assize or any other commission, either general or special, assign to such judges of the High Court or other persons as are named therein, the duty of trying and determining within any place or district specially fixed for that purpose by the commission, any causes or matters, or any questions or issues of fact or of law or partly of fact and partly of law in any cause or matter, depending in the High Court, or the exercise of any civil or criminal jurisdiction capable of being exercised by the High Court, and any commission so granted by His Majesty shall have effect as if enacted in this Act.

(2) Commissioners of assize shall be appointed by His Majesty by Letters Patent.

(3) The judges of the High Court to be named in commissions of assize shall be judges of the King's Bench Division, but every judge of the Probate Division shall, so far as the state of business in that Division will admit, share with the other judges the duty of holding sittings under commissions of assize, and His Majesty may include in any such commission the Master of the Rolls, any Lord Justice of Appeal, any judge of the Chancery Division, any judge of county courts, any of His Majesty's counsel learned in the law, and, if he consents to act, any person who has held the office of a judge of the Court of Appeal or of a judge of the High Court, and any person included in a commission of assize shall for the purposes of the commission have all the power, authority and jurisdiction of a judge of the High Court.

(4) A commissioner appointed in pursuance of this section shall when engaged in the exercise of any jurisdiction assigned to him in pursuance of this Act be deemed to constitute a court of the High Court.

(5) A commissioner acting under a commission of assize or any other commission issued under this section, shall, subject to rules of court, have power to try and determine matrimonial causes of any prescribed class and any matters arising out of or connected with any such

causes, and shall for that purpose have all such powers and duties as are vested in the Probate Division under the enactments (including this Act) relating to matrimonial causes and matters.

For the purpose of the foregoing provision, the expression "prescribed" means prescribed by the Lord Chancellor by order made with the concurrence of the Lord Chief Justice and the President of the Probate Division.

(6) The counties palatine of Lancaster and Durham respectively shall not, so far as respects any commission issued under this section, be counties palatine, and a commission under this section may be issued for the trial of all causes and matters within those counties respectively in the same manner in all respects as in any other county.

Power to try revenue causes on circuit without commission.

71. All commissioners of assize shall have power and authority on their respective circuits to try revenue causes and proceedings and to proceed thereon in like manner as they may do in respect of other civil causes, and it shall not be necessary to issue any special commission to enable revenue causes to be tried.

Regulation of circuits.

72.—(1) His Majesty may from time to time, by Order in Council, provide in such manner and subject to such regulations as to His Majesty may seem meet, for all or any of the following matters:

(*a*) For the discontinuance, either temporarily or permanently and either wholly or partially, of any former circuit, and the formation of any new circuit by the union of any counties or parts of counties, or partly in one way and partly in the other, or by the constitution of any county or part of a county to be a circuit by itself:

(*b*) For the appointment of the place or places at which assizes are to be held on any circuit, and for directing that assizes or any special commissions shall be held at more than one place in the same county on the same circuit, and for the holding of assizes for the despatch of criminal business for a whole county at one place, and for the despatch of civil business at one or more place or places in the same county on the same circuit:

(*c*) Where any Order is made under this section directing that assizes or any special commission shall be held at more than one place in any one county, for dividing the county for the purposes of the Order:

(*d*) For altering by such authority and in such manner as may be specified in the Order the day appointed for holding the assizes at any place on a circuit in any case, where by reason of the pressure of business or other unforeseen cause it is expedient to alter the day so appointed:

(*e*) Where it appears to His Majesty that by reason of the small number of prisoners or otherwise it is usually inexpedient to hold separate winter or spring assizes in a county, for uniting the county for the purpose of winter or spring assizes to any neighbouring county or counties, for appointing the place or places at which winter or spring assizes are to be held for the united counties, and for directing that winter or spring assizes to be held for the united counties shall be held at different places in different years:

(*f*) For the jurisdiction of the court and the attendance, jurisdiction, authority and duty of sheriffs, gaolers, officers, jurors and persons, the use of any prison, the removal of prisoners, the alteration of any commission, writ, precept, indictment, recognizance, proceeding or document, the transmission of recognizances, inquisitions and documents, and the costs of the prosecution and defence, and of maintaining and removing prisoners, so far as may seem to His Majesty necessary for carrying into effect any Order made under this section:

(*g*) For the regulation, so far as may be necessary for carrying into effect any Order made under this section, of the venue in all cases, civil and criminal, triable on any circuit or elsewhere:

(*h*) For any matters which appear to His Majesty to be necessary or proper for carrying into effect any Order made under this section.

(2) Where by Order in Council counties are united for the purpose of winter or spring assizes, the counties

united shall, subject to the provisions of the Order, be deemed to be one county, and the winter and spring assizes held in and for the united county shall be deemed also to be held in and for each of the constituent counties.

(3) His Majesty may from time to time by Order in Council revoke, amend or vary any Order made in pursuance of this section.

(4) Every Order in Council made under this section shall be laid before Parliament and notice of the Order having been made and of the place where copies thereof may be purchased shall be published in the London Gazette.

(5) Every Order in Council purporting to be made in pursuance of this section shall, while in force, have effect as if enacted in this Act.

Provision for counties adjoining Central Criminal Court district.

73.—(1) His Majesty may, by Order in Council, direct that, subject to any exceptions contained in the Order, the jurisdiction of the justices and judges of the Central Criminal Court at any session of oyer and terminer and gaol delivery held for the district within the jurisdiction of the Central Criminal Court in September, October, November, December, January, March, April or May, shall extend to any adjoining county or part of a county mentioned in the Order as if that county or part were included within the limits of the said district, and may apply, with such modifications and exceptions, if any, as to His Majesty seem fit, the Central Criminal Court Acts, 1834 and 1881, to the said county or part of a county and offences committed therein, as if that county or part were a county or part of a county mentioned in those Acts.

(2) Every Order in Council made under this section shall be laid before Parliament, and notice of the Order having been made and of the place where copies thereof may be purchased shall be published in the London Gazette.

(3) Every Order in Council purporting to be made in pursuance of this section shall, while in force, have effect as if enacted in this Act.

Sessions of Central Criminal Court.

74. The power of making general orders for fixing the times of holding sessions of the Central Criminal Court under section fifteen of the Central Criminal Court

4 & 5 Will. 4. c. 36.

Act, 1834, may be exercised by any four or more of the judges of the High Court.

Place for holding courts of assize.

75.—(1) A court of assize may be held in any building, whether in or belonging to the county, city, town, borough or other area of jurisdiction, for which the court is held.

(2) A commissioner of assize may, by proclamation in open court, adjourn the court from the building in which he is then holding the assizes to such other building as he may deem convenient, whether within the same area of jurisdiction or not, and all persons required to attend at the assizes shall attend wherever the court is so held, and shall do all things which they might have been required to do if the court had not been adjourned, and shall be subject to the like penalties in default thereof, and all evidence given and all things done at any such court shall be deemed, and in all indictments, pleadings, rules and entries shall be alleged, to have been given and done respectively within the area of jurisdiction within which the court would have been held if there had been no adjournment.

(3) Nothing in this section shall authorise the holding of a court of assize in any place more than three miles distant from the area of jurisdiction for which the court is held.

Date of proceedings where commission day postponed.

76. Where a commission of assize is not opened at any place on the day appointed, all records and other proceedings relating to the commission of assize shall be drawn out, entered and made up under the same date and in the same form in all respects as if the commission of assize had been opened on the day originally appointed for that purpose.

Power to dispense with holding of assizes in places where unnecessary.

77.—(1) If at any time it appears to the Lord Chief Justice that there is no business, or no substantial amount of business, to be transacted at the assizes then about to be held at any place on a circuit and that having regard to all the circumstances of the case it is desirable that an order should be made under this section, he may, with the concurrence of the Lord Chancellor, by order direct that assizes shall not on the occasion of that circuit be held at that place, and where any such order is made then, notwithstanding any enactment or

custom to the contrary, assizes shall not on that occasion be held at the place specified in the order.

(2) There may be included in an order made under this section provision for any matters (including any of the matters mentioned in paragraph (*f*) of subsection (1) of section seventy-two of this Act) for which it appears to the Lord Chief Justice to be necessary or proper to make provision with a view to giving full effect to the order.

(3) Any order made under this section may at any time be revoked, varied or amended by a subsequent order so made.

Dispensing with attendance of jurors at assizes where there is no business.

78.—(1) If, not more than five days before the day appointed by Order in Council for the holding of assizes in any place (in this section referred to as "the commission day"), it appears to the clerk of assize that the attendance of any jurors summoned to attend at the assizes will not be required by reason of there being no business to be transacted for which those jurors are required, he may, in manner provided by this section, cause notice to be sent by post to those jurors by or on behalf of the person who has summoned them dispensing with their attendance in pursuance of the summons, and any person so summoned as juror to whom such a notice is sent shall not be liable to any fine or penalty for failing to attend in pursuance of the summons.

(2) For the purpose of causing notice to be sent under this section, the clerk of assize may direct the sheriff, under-sheriff or other officer who has summoned the jurors to send the required notice, and that officer shall send the notice as so directed.

(3) Where the clerk of assize causes notices to be sent to jurors dispensing with their attendance, he shall at the same time send information thereof to all clerks to justices in the area for which the assizes are to be held, and those justices shall, after the receipt of that information, in committing any person for trial, act as if the assizes were not to be held:

Provided that the justices may, if they think fit, for the purpose of enabling any person who would have been committed for trial at any such assizes to have an early trial in case he is not admitted to bail, commit him for

trial at any other assizes or quarter sessions about to be held at any place or town convenient for the trial, and His Majesty may by Order in Council make such provisions as to the jurisdiction of the court, and the attendance, jurisdiction, authority and duty of sheriffs, gaolers, officers, jurors and persons, the use of any prison, the removal of prisoners, the alteration of any commissions, writs, precepts, indictments, recognizances, proceedings and documents, the transmission of recognizances, inquisitions and documents, and the costs of the prosecution and defence and the expenses of maintaining and removing prisoners, as seem necessary or expedient to carry into effect this provision, but—

(*a*) the costs and expenses of any prosecutors and witnesses shall be paid by the council of the county or borough who would have been liable to pay those costs and expenses if the person had been committed for trial in the ordinary course; and

(*b*) the council of the county or borough who would have paid the costs of the trial of the person, if he had been committed in the ordinary course, shall pay to the council of the county or borough by whom the costs of the assizes or quarter sessions to which he is committed under this provision are paid, such sum on account of his trial as may be agreed upon between the councils, or, in default of agreement, determined by the Secretary of State.

If the justices have already committed any person for trial at the assizes in respect of which notices have been sent under this section, they shall have power to alter the committal, and to make any alteration or extension of any recognizances which may appear necessary under the circumstances.

(4) Any warrant for arresting or detaining any person, and any recognizance to appear and give evidence, or to appear for trial, issued or taken in the case of a person charged with murder or manslaughter on a coroner's inquisition, shall, if the trial of the person charged cannot take place in the ordinary course owing to assizes to which the warrant or recognizances relate not being held by virtue of the provisions of this section,

continue in operation until the next assizes, or, if the person charged is committed to any other assizes by justices, such other assizes.

(5) Any person having by law a right to present a bill of indictment to a grand jury in a case where no person has been committed for trial, and proposing to do so at any assizes shall give notice of his intention to do so to the clerk of assize more than five days before the commission day.

(6) Where notices have been given in pursuance of this section dispensing with the attendance of all jurors at any assizes it shall not be necessary to hold the assizes in respect of which the notices have been given unless there is any business not requiring the attendance of jurors to be transacted by the court.

Clerks of assize.

79.—(1) Whenever any vacancy occurs in the office of clerk of assize the Treasury may, having regard to the nature of the duties and responsibility of the office, revise the salary attached to the office.

(2) A person shall not be appointed a clerk of assize unless he has, during a period of not less than three years, been either—

(*a*) a barrister-at-law in actual practice; or

(*b*) a solicitor of the Supreme Court in actual practice; or

(*c*) a subordinate officer of a clerk of assize on circuit;

and any appointment made in contravention of this subsection shall be void.

(3) Where any enactment authorises a clerk of assize to take any fee for any duty performed by him, he shall take the fee by stamps or otherwise and account for it and pay it over in such manner as the Treasury may direct, and a clerk of assize shall not take any fee for his own use.

(4) A clerk of assize shall not be entitled to any compensation in respect of the emoluments of his office in case any alteration is made in the duties thereof or his office is abolished by the authority of Parliament.

(5) A person who is employed by a clerk of assize and is paid any salary or allowance out of moneys provided by Parliament shall not be removed from his office or employment without the sanction of the Treasury.

(6) If any clerk of assize practises as a barrister at any assize within the circuit of which he is clerk of assize he shall be liable to forfeit ten pounds for each offence, one half to be paid to His Majesty and the other half to the party aggrieved.

Circuit officers.

80. The power of appointment to such offices connected with the circuits of the judges under commissions of assize, or otherwise, as formerly were in the appointment of the senior judge going on any circuit, and also the power of appointment to all subordinate offices, the salaries of which are paid out of moneys provided by Parliament and which are held under any circuit officer, shall be vested in the senior judge going on that circuit for the winter and summer assizes respectively:

Provided that the provisions contained in this Act with respect to the abolition, reduction of salary or alteration of the designation or duties of offices in the Supreme Court, and as to giving notice of any vacancy in any such office, shall apply to all offices, whether principal or subordinate, mentioned in this section.

Commissions not determined by demise of Crown.

81. A commission of assize shall not be determined by the demise of the Crown, and shall, unless superseded or otherwise determined, continue in force for six months after such demise.

Proceedings not discontinued by issue of new commission.

82. No proceeding, either civil or criminal, in any court of assize shall be discontinued by reason of the issue of any new commission of assize or of the altering of the names of or of the promotion to any dignity of any of the commissioners of assize, and the new commissioners may proceed in every behalf as if the old commission and commissioners had continued without alteration, and in particular where judgment against a person found guilty at the former assize has been respited, may pronounce judgment against that person.

Assizes to be held at least twice in every year.

83. Except as otherwise expressly provided in this Part of this Act, nothing in this Act shall affect the custom of holding separate assizes in and for each county twice a year.

PART IV.

GENERAL PROVISIONS AS TO TRIAL AND PROCEDURE.

District Registries.

Establishment of district registries and appointment of registrars.

84.—(1) His Majesty may by Order in Council from time to time direct that there shall be in such places as are specified in the Order district registries for districts to be defined in the Order, from which writs of summons for the commencement of actions in the High Court may be issued, and in which the proceedings herein-after mentioned may be taken and recorded.

(2) Any person being the registrar of a county court or being a solicitor of not less than seven years' standing shall be qualified for appointment as district registrar of the High Court.

(3) The Lord Chancellor may, if he thinks fit, appoint two persons to execute jointly the office of district registrar in any district registry, and may in any case where joint district registrars are appointed give directions with respect to the division between them of the duties of the office and may, as he thinks fit, on the death, resignation or removal of a joint district registrar, either appoint another person to be joint district registrar in the place of the person so dying, resigning or removed, or give directions that the continuing registrar shall act as sole registrar.

(4) On a vacancy occurring in the office of a district registrar, any person being a person qualified for appointment as district registrar may be appointed to act as provisional district registrar for such period not exceeding six months from the date on which the vacancy occurs as the Lord Chancellor may direct.

(5) The power to make appointments to the office of district registrar and provisional district registrar shall be vested in the Lord Chancellor.

(6) All acts authorised or required to be done by, to or before a district registrar may be done by, to or before a provisional district registrar appointed under this section, and a provisional district registrar shall receive in respect of the period during which he so acts remuneration on a scale not higher than the scale applicable in the case of the registrar of the district for which he is appointed to act.

(7) Every district registrar and provisional district registrar shall be an officer of the Supreme Court, and no person who is, or is acting as, the district registrar or the provisional district registrar of any district shall, either by himself or his partner, be directly or indirectly engaged as a solicitor or agent for a party to any proceeding whatsoever in the registry of that district.

Seals of district registries.

85.—(1) In every district registry there shall be used such seal as the Lord Chancellor from time to time directs.

(2) The seal of the district registry shall be impressed on every writ and other document issued out of or filed in that registry, and all writs and documents, and all exemplifications and copies thereof, purporting to be sealed with the seal of a district registry, shall be received in evidence in all parts of the United Kingdom without further proof.

Powers of district registrars.

86. District registrars shall have power to administer oaths and perform such other duties with respect to any proceedings in the High Court or in the Court of Appeal as may be prescribed by rules of court or by any special order of the court.

Power of court to remove proceedings from district registries.

87. Any party to an action commenced by the issue of a writ out of a district registry may at any time apply, in the prescribed manner, to the High Court or to a judge in chambers of the Division to which the action is assigned, to remove the proceedings from the district registry into the proper office of the High Court, and the court or judge may, if it seems fit, make an order granting the application, and the proceedings and such original documents, if any, as have been filed therein shall upon receipt of the order be transmitted by the district registrar to the proper office of the High Court, and the action shall thenceforth proceed in the same manner as if it had been originally commenced by a writ of summons issued out of the proper office in London.

Inquiries and Trials by Referees.

Reference for report.

88.—(1) Subject to rules of court and to any right to have particular cases tried with a jury, the Court or a judge may refer to an official or special referee for inquiry

or report any question arising in any cause or matter, other than a criminal proceeding by the Crown.

(2) The report of an official or special referee may be adopted wholly or partially by the Court or a judge, and if so adopted may be enforced as a judgment or order to the same effect.

Reference for trial.

89. In any cause or matter, other than a criminal proceeding by the Crown,—

(*a*) If all the parties interested who are not under disability consent; or

(*b*) If the cause or matter requires any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the Court or a judge conveniently be made before a jury or conducted by the Court through its other ordinary officers; or

(*c*) If the question in dispute consists wholly or in part of matters of account;

the Court or a judge may at any time order the whole cause or matter, or any question or issue of fact arising therein, to be tried before a special referee or arbitrator respectively agreed on by the parties, or before an official referee or officer of the Court.

Powers and remuneration of referees and arbitrators.

90.—(1) In all cases of reference to an official or special referee or arbitrator, the official or special referee or arbitrator shall be deemed to be an officer of the Court, and subject to rules of court shall have such authority, and conduct the reference in such manner, as the Court or a judge may direct.

(2) The report or award of an official or special referee or arbitrator on any reference shall, unless set aside by the Court or a judge, be equivalent to the verdict of a jury.

(3) The remuneration to be paid to a special referee or arbitrator to whom any matter is referred under an order of the Court or a judge shall be determined by the Court or a judge.

Court to have powers as in references by consent. 52 & 53 Vict. c. 49.

91. The Court or a judge shall, in relation to references, have all such powers as are conferred by the Arbitration Act, 1889, on the Court or a judge in relation to references by consent out of court.

Powers of Court of Appeal.

92. The Court of Appeal shall have all such powers as are conferred by the provisions of this Part of this Act on the Court or a judge in relation to references.

Power to order habeas corpus to issue.

93. The Court or a judge may order that a writ of habeas corpus ad testificandum shall issue to bring up a prisoner for examination before an official or special referee or arbitrator.

Statement of case pending arbitration.

94. A referee or arbitrator may at any stage of the proceedings under a reference, and shall, if so directed by the Court or a judge, state in the form of a special case for the opinion of the Court any question of law arising in the course of the reference.

Power of Court to impose terms as to costs, &c.

95. An order made under the provisions of this Part of this Act relating to inquiries and trials by referees may be made on such terms as to costs or otherwise as the Court or a judge thinks fit.

Saving for Crown.

96. Nothing in the provisions of this Part of this Act relating to inquiries and trials by referees shall empower the Court or a judge to order any proceedings to which His Majesty or the Duke of Cornwall is a party, or any question or issue in any such proceedings, to be tried before any referee, arbitrator or officer without the consent of His Majesty or the Duke of Cornwall, as the case may be, or shall affect the law as to costs payable by the Crown.

Explanation of terms "the Court" and "reference."

97. In the provisions of this Part of this Act relating to inquiries and trials by referees, unless the context otherwise requires—

The expression "the Court" means the High Court;

The expression "reference" means a reference under an order made by the Court or a judge under the said provisions.

Assessors.

Trial with assessors.

98.—(1) In any cause or matter before the High Court or the Court of Appeal, other than a criminal proceeding by the Crown, the court may, if it thinks it expedient so to do, call in the aid of one or more assessors specially qualified, and try and hear the cause or matter wholly or partially with their assistance.

(2) The remuneration, if any, to be paid to an assessor shall be determined by the court.

Rules of Court.

99.—(1) Rules of court may be made under this Act for the following purposes :— Rules of court.

(*a*) For regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in the Court of Appeal and the High Court respectively in all causes and matters whatsoever in or with respect to which those courts respectively have for the time being jurisdiction (including the procedure and practice to be followed in the offices of the Supreme Court and in district registries), and any matters incidental to or relating to any such procedure or practice, including (but without prejudice to the generality of the foregoing provision) the manner in which, and the time within which, any applications which under this or any other Act are to be made to the Court of Appeal or to the High Court shall be made :

(*b*) For regulating and prescribing the procedure on appeals from any court or person to the Court of Appeal or the High Court, and the procedure in connection with the transfer of proceedings from any inferior court to the High Court or from the High Court to an inferior court :

(*c*) For regulating the sittings of the Court of Appeal and the High Court, of the divisional courts of the High Court, and of the judges of the High Court whether sitting in court or in chambers :

(*d*) For prescribing what part of the business which may be transacted and of the jurisdiction which may be exercised by judges of the High Court in chambers may be transacted or exercised by masters of the Supreme Court, registrars of the Probate Division, or other officers of the Supreme Court :

(*e*) For regulating any matters relating to the costs of proceedings in the Court of Appeal or the High Court:

(*f*) For regulating and prescribing the procedure and practice to be followed in the Court of Appeal or the High Court in cases in which the procedure or practice is regulated by enactments in force immediately before the commencement of this Act or by any provisions of this Act re-enacting any such enactments (including so much of any of the Acts set out in the First Schedule to this Act as is specified in the third column of that Schedule):

(*g*) For repealing any enactments which relate to matters with respect to which rules are made under this section:

(*h*) For prescribing in what cases trials in the High Court are to be with a jury and in what cases they are to be without a jury:

(*i*) For regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given, in any proceedings or on any application in connection with or at any stage of any proceedings:

(*j*) For regulating or making provision with respect to any other matters which were regulated or with respect to which provision was made by the rules of the Supreme Court in force on the thirtieth day of September, nineteen hundred and twenty-five, or by any rules or regulations so in force with respect to practice and procedure in matrimonial causes and matters or with respect to applications and proceedings relating to legitimacy declarations.

(2) No rule of the Supreme Court which may involve an increase of expenditure out of public funds shall be made except with the concurrence of the Treasury, but the validity of a rule of the Supreme Court shall not in any proceedings in any court be called in question either by the court or by any party to the proceedings on the ground only that it was a rule to which the concurrence of the Treasury was necessary and that the Treasury did not concur or are not expressed to have concurred in the making thereof.

(3) Rules of court made under this section shall apply to all proceedings by or against the Crown.

(4) Rules of court may be made by the Lord Chancellor together with any four or more of the following persons, namely, the Lord Chief Justice, the Master of the Rolls, the President of the Probate Division, and four other judges of the Supreme Court, two practising barristers being members of the General Council of the Bar, and two practising solicitors of whom one shall be a member of the Council of the Law Society and the other a member of the Law Society and also of a provincial Law Society.

The four other judges and the barristers and solicitors to act as aforesaid shall be appointed by the Lord Chancellor in writing under his hand and shall hold office for the time specified in the appointment.

(5) Rules of court made under this section shall be laid before Parliament, but section one of the Rules Publication Act, 1893 (which requires notice to be given of a proposal to make statutory rules), shall not apply to rules so made. 56 & 57 Vict. c. 66.

(6) Nothing in this section shall affect the power conferred by section two hundred and thirty-seven of the Companies (Consolidation) Act, 1908, or by section one hundred and thirty-two of the Bankruptcy Act, 1914, of making general rules for carrying into effect the objects of those Acts respectively, or the power conferred on the President of the Probate Division by the next following section of this Act of making probate rules and orders, and the power to make rules of court under this section shall not extend to the matters with respect to which rules or orders may be made by virtue of the enactments mentioned in this subsection. 8 Edw. 7. c. 69. 4 & 5 Geo. 5. c. 59.

Rules of court with respect to procedure in non-contentious probate business.

100.—(1) The President of the Probate Division may, with the concurrence of the Lord Chancellor and the Lord Chief Justice or any judge of the High Court named by the Lord Chief Justice on his behalf, make rules and orders (in this Act referred to as "probate rules and orders") for regulating the procedure and practice of the High Court with respect to non-contentious or common form probate business.

(2) Every rule or order made under this section shall be laid before Parliament.

Evidence, Juries, Foreign Law, and Saving.

Act not to affect rules of evidence or juries.

101. Nothing in this Act and, subject as hereinafter in this section expressly provided, nothing in rules of court made under this Act, shall affect the mode of giving evidence by the oral examination of witnesses in trials with a jury, or the rules of evidence, or the law relating to jurymen or juries:

Provided that nothing in this section shall—

(*a*) prejudice the operation of any rules of court made in pursuance of the express power conferred by this Act to make rules of court for regulating the means by which particular facts may be proved and the mode in which evidence thereof may be given; or

(*b*) affect the power of the court for special reasons to allow depositions or affidavits to be read.

Questions of foreign law to be decided by judge.

102. Where for the purpose of disposing of any action or other matter which is being tried in the High Court by a judge with a jury it is necessary to ascertain the law of any other country which is applicable to the facts of the case, any question as to the effect of the evidence given with respect to that law shall, instead of being submitted to the jury, be decided by the judge alone.

Saving for former procedure.

103.—(1) Save as is otherwise provided by this Act or by rules of court, all forms and methods of procedure which, under or by virtue of any law, custom, general order or rules whatsoever, were formerly in force in any of the courts the jurisdiction of which is vested in the High Court or the Court of Appeal respectively, and which are not inconsistent with this Act or with rules of court, may continue to be used in the High Court and the Court of Appeal respectively in the like cases and for the like purposes as those in and for which they would have been applicable in the former respective courts.

(2) Subject to rules of court, the practice and procedure in all criminal causes and matters whatsoever in the High Court shall be the same as the practice and procedure in force at the commencement of this Act in relation to similar causes and matters.

PART V.

OFFICERS AND OFFICES.

Central Office.

Central office of Supreme Court.

104.—(1) There shall be a central office of the Supreme Court comprising such offices as were immediately before the commencement of this Act comprised in, and such officers and persons (including the officers and persons employed in the Court of Criminal Appeal) as then were officers of, the central office of the Supreme Court constituted under the Act of 1873, together with such other offices of the Supreme Court and such other officers and persons employed in the Supreme Court, or any offices thereof, as may from time to time be amalgamated with or transferred to the central office by rules of court.

(2) The central office shall be under the control and superintendence of the masters of the Supreme Court (King's Bench Division).

Business of central office.

105.—(1) The business to be performed in the central office shall, subject to any order of the Lord Chancellor, comprise all such business as was immediately before the commencement of this Act performed in the central office then existing, together with such other business as is performed in any offices which are at any time after the commencement of this Act amalgamated with or transferred to the central office, and shall be distributed among the several officers of the central office in the prescribed manner.

(2) The several officers of the central office shall be interchangeable one with another, and shall be capable of performing and liable to perform the duties of each other in any department of the office, and generally shall perform such duties and have such powers in relation to the business of the Supreme Court as the Lord Chancellor may by order direct.

(3) Any order made under this section may at any time be revoked, varied or amended by a subsequent order so made.

Appointment and removal of officers.

106.—(1) The right of filling any vacancy in the office of master of the Supreme Court (King's Bench Division) or in any clerkship in the central office, shall (subject as provided in the next following subsection) be vested in the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls, in rotation, or in such order or manner as they by agreement among themselves may determine.

(2) The right of filling any vacancy in the office of King's coroner and attorney and master in the Crown Office shall be vested in the Lord Chief Justice, and the person appointed to that office shall by virtue of his appointment be a master of the Supreme Court (King's Bench Division).

(3) Subject as aforesaid, the right of filling any vacancy in, and of making any new appointment in or for the purposes of, the central office shall be vested in the Lord Chancellor subject to the concurrence of the Treasury.

Principal Probate Registry and District Probate Registries.

Principal probate registry.

107. The principal registry of the High Court for the purpose of the exercise of the probate jurisdiction (in this Act referred to as "the principal probate registry") shall be at such place in the County of London as His Majesty may by Order in Council from time to time appoint.

District probate registries.

108.—(1) For the purposes of this Act there shall be district probate registries which shall be attached to and under the control of the High Court.

(2) Subject as hereinafter provided, district probate registries shall be established at the places mentioned in, and otherwise in accordance with, the Scheme set out in the Second Schedule to this Act:

Provided that a district probate registry to be established at a place at which no such registry was established by the Court of Probate Act, 1857, shall be established at such date as the President of the Probate Division may, with the concurrence of the Lord Chancellor, determine, and no district probate registry

which was established by the said Act and is in existence at the commencement of this Act shall be discontinued until such date as may be so determined.

(3) The President of the Probate Division may from time to time, with the concurrence of the Lord Chancellor and the Treasury, by order modify or vary the said Second Schedule:

Provided that before any order is made under this subsection a draft thereof shall be laid before both Houses of Parliament, and the order shall not be made unless both Houses by resolution approve the draft either without modification or addition or with modifications or additions to which both Houses agree, and on the draft being so approved the order may be made in the form of the draft as approved.

(4) His Majesty may by Order in Council make such adaptations of any enactments as may appear to Him to be rendered necessary or expedient by reason of the passing of section seventeen of the Administration of Justice Act, 1925, or of anything done under the provisions of this section. 15 & 16 Geo. 5. c. 28.

(5) Any order made by the Lord Chancellor or the President of the Probate Division under the foregoing provisions of this section may be revoked, varied or amended by a subsequent order so made.

Clerks of district probate registries.

109.—(1) The President of the Probate Division may from time to time—

(*a*) with the sanction of the Treasury give directions as to the number of clerks to be employed in the several district probate registries and as to the amounts of their respective salaries; and

(*b*) prescribe the qualifications to be possessed by any person appointed a clerk in a district probate registry; and

(*c*) regulate the establishment of the district probate registries with respect to the duties to be performed therein.

(2) The clerks in a district probate registry shall be appointed by the district probate registrar with the approval of the President of the Probate Division and

shall be removable by the President or by the district probate registrar with the approval of the President.

General provisions as to Officers of the Supreme Court.

Officers to be attached to Supreme Court.

110.—(1) Such of the officers attached to the Supreme Court as may be thought necessary or proper for the performance of any special duties in connection either with the Supreme Court generally, or with the High Court or the Court of Appeal, or any one of the Divisions, or any particular judge of either of the said courts, may by the Lord Chancellor, with the concurrence of the Lord Chief Justice and with the sanction of the Treasury, be attached to the said respective courts, Divisions and judges accordingly.

(2) The authority of the Supreme Court over its officers may be exercised in and by the High Court and the Court of Appeal respectively, and also in the case of officers attached to any Division by the president of that Division with respect to any duties to be discharged by them respectively.

Determination of numbers of officers.

111. The Lord Chancellor may, with the concurrence of the Treasury, from time to time determine as respects any class of officers in the Supreme Court the number of persons who may be appointed to be officers of that class.

Classification of clerks.

112.—(1) The clerks employed in the offices of the Supreme Court shall be classified in such manner as the Lord Chancellor, with the concurrence of the Treasury, may by order direct, and shall be employed in such capacities, as the Lord Chancellor may by order direct.

For the purposes of this subsection, the expression "the offices of the Supreme Court" shall include the department of the official solicitor to the Supreme Court, the bankruptcy department and the companies (winding-up) department, but shall not include the principal probate registry.

(2) Any order made under this section may at any time be revoked, varied or amended by a subsequent order so made.

Power to abolish offices.

113. The Lord Chancellor may, with the approval of the Lord Chief Justice, the Master of the Rolls and the President of the Probate Division, as respects offices to which they have respectively a power of appointment, abolish any office in the Supreme Court which appears to him to be unnecessary.

Appointment of officers.

114.—(1) All officers assigned to perform duties with respect to the Supreme Court generally, or attached to the High Court or the Court of Appeal, shall be appointed by the Lord Chancellor.

(2) All officers attached to the Chancery Division who were formerly appointed by the Master of the Rolls, shall continue, while so attached, to be appointed by the Master of the Rolls.

(3) All other officers attached to any Division shall be appointed by the president of that Division.

(4) All officers attached to any judge shall be appointed by the judge to whom they are attached.

(5) The provisions of this section shall have effect subject to any provisions contained in this Part of this Act with respect to the appointing of any particular officers or the filling of vacancies in any particular offices.

Tenure of officers of Supreme Court.

115.—(1) Any officer of the Supreme Court who by virtue of the provisions of subsection (1) of section one hundred and twenty-eight of this Act is required to vacate office at the end of the completed year of service in the course of which he attains the age of seventy-two years shall, subject to the provisions of the said subsection and subject as hereinafter provided, hold office during good behaviour:

Provided that the power to remove any such person from his office on account of misbehaviour shall be exercisable by the Lord Chancellor, and the Lord Chancellor shall have power to remove any such person from his office on account of inability to perform the duties of his office.

(2) Every officer of the Supreme Court, not being an officer to whom subsection (1) of this section applies, shall hold office during His Majesty's pleasure:

Provided that nothing in this subsection shall affect the tenure of any officer appointed before the commencement of the Administration of Justice Act, 1925.

(3) In the application of this section to registrars of the Probate Division, the President of the Probate Division shall be substituted for the Lord Chancellor.

Appointment of deputies for Supreme Court officers.

116.—(1) Subject to the provisions of this section, where an officer of the Supreme Court is absent from illness or other reasonable cause, he may, with the approval of the Lord Chancellor, appoint a deputy, and if being so absent he fails to make such an appointment, the Lord Chancellor may appoint a deputy.

(2) Every deputy appointed under the foregoing provisions of this section shall have all the powers and authorities of the officer for whom he is appointed to act.

(3) A person shall not be qualified to be appointed under the foregoing provisions of this section to act as a deputy in any office unless he is qualified for appointment to that office.

(4) If any officer appointed before the commencement of this Act by virtue of the Court of Probate Act, 1857, or the Court of Probate Act, 1858, or appointed after the commencement of this Act by virtue of the corresponding provisions of this Act, becomes by reason of illness or other infirmity temporarily incapable of performing the duties of his office, the President of the Probate Division may appoint some other fit person to discharge his duties for any period not exceeding six months at one time, and the person so appointed shall, during that period, have the same powers as the officer in whose place he is appointed, and shall be paid by that officer such sum by way of salary or allowance as may be agreed on between them or be fixed by the President.

The President may in his discretion grant to any officer appointed under the said Acts or under the said provisions of this Act, leave of absence for any period not exceeding two months in any year, and may make provision for the discharge of the duties of that officer during his absence.

Notice of vacancies in offices.

117. On the occurrence of any vacancy in the office of any officer of the Supreme Court, notice thereof shall be forthwith given to the Lord Chancellor and also

to the Treasury by the senior continuing or surviving officer of the department in which the vacancy occurs, and no appointment shall be made to fill the vacancy within the period of one month next after the date of the notice without the assent of the Lord Chancellor, given with the concurrence of the Treasury, and the Lord Chancellor may, if it be necessary, make provision in such manner as he thinks fit for the temporary discharge in the meantime of the duties of the office.

Salaries and pensions of officers.

118.—(1) The salaries of the several officers of the Supreme Court shall be of such amounts as the Lord Chancellor, with the concurrence of the Treasury, from time to time determines, and (without prejudice to the provisions contained in this Part of this Act with respect to the pensions of persons holding any of the offices specified in Part I. of the Third Schedule to this Act) every such officer shall be deemed, for the purposes of salary and pension, to be a permanent civil servant of the State.

(2) All salaries, pensions and allowances payable to officers of the Supreme Court shall be paid out of moneys provided by Parliament, and shall be deemed to accrue from day to day but shall be payable on such days as the Treasury may from time to time appoint.

Conditions of obtaining pensions and salaries. 42 & 43 Vict. c. 78. 47 & 48 Vict. c. 61.

119.—(1) An officer of the Supreme Court shall not, if appointed since the commencement of the Supreme Court of Judicature (Officers) Act, 1879, be entitled to a pension under this Part of this Act, or if appointed since the commencement of the Supreme Court of Judicature Act, 1884, be entitled to a salary under this Part of this Act, unless he has been admitted to his office with a certificate from the Civil Service Commissioners:

Provided that—

(*a*) The provisions of this section shall not apply in the case of a person appointed to any of the offices specified in Part I. of the Third Schedule to this Act; and

(*b*) The Lord Chancellor may from time to time, with the concurrence of the Treasury, make, revoke and alter orders declaring that this section shall not apply to any office or class of offices specified in the order, and if any such order is made the application of this section shall be limited accordingly.

(2) Before any person is appointed to any of the offices specified in Part I. of the Third Schedule to this Act the person making the appointment shall take steps to satisfy himself that the state of health of the person proposed to be appointed is satisfactory.

Officers not to practise as barristers or solicitors.

120. An officer of the Supreme Court shall not either directly or indirectly practise as a barrister or solicitor or as an agent of a solicitor in any court in the United Kingdom:

Provided that this section shall not apply to district registrars of the High Court or district probate registrars, or to the official solicitor to the Supreme Court acting in his capacity as such.

Provisions as to particular Officers.

Personal officers of judges.

121.—(1) There shall be attached to the Lord Chief Justice and the Master of the Rolls respectively, a secretary, whose salary shall be five hundred pounds per annum, and a clerk, whose salary shall be four hundred pounds per annum, and to each of the other judges of the High Court and to each of the Lords Justices of Appeal, a clerk, whose salary shall be four hundred pounds per annum.

(2) An officer so attached shall—

(*a*) be attached to the person of the judge as such and shall be appointed and removable by him at his pleasure; and

(*b*) be liable, if required, while in attendance on the judge, to discharge without further remuneration the duties of crier in court or on circuit, or of usher or train bearer.

Additional duties of senior master.

122. The senior master of the Supreme Court (King's Bench Division) shall hold and perform the duties of the offices of the King's Remembrancer, registrar of certificates of acknowledgments of deeds by married women and registrar of judgments, with such additional salary in respect of the office of King's Remembrancer as the Lord Chancellor, with the concurrence of the Treasury, may determine.

Registrars and clerks to registrars in

123.—(1) The registrars of the Chancery Division (in this section referred to as "the registrars") and the clerks to the registrars shall be appointed by the Lord

Chancery Division.

Chancellor, and the number of the registrars and of the clerks respectively shall be such as the Lord Chancellor, with the approval of the Treasury, may fix.

(2) The Lord Chancellor shall appoint one of the registrars to be chief registrar, and the chief registrar shall exercise as respects the other registrars and the clerks to the registrars such duties and functions as the Lord Chancellor may from time to time assign to him.

(3) The clerks to the registrars shall retire from office at such age as the Lord Chancellor, with the consent of the Treasury, may fix.

(4) Any person who was on the nineteenth day of August, nineteen hundred and twenty-one, exercising functions as a registrar or as a clerk to the registrars shall be deemed to have been duly appointed in accordance with the provisions of this section to the office of registrar or clerk, as the case may be, but shall be entitled to reckon as a period of service for the purpose of the Superannuation Acts, 1834 to 1919, any period before that date during which he exercised such functions.

Office of Master in Lunacy.

124. The power to appoint a person to be a clerk in the office of the master in lunacy shall be vested in and exercisable by the Lord Chancellor, and that office shall be included among the offices of the Supreme Court.

Official referees.

125.—(1) There shall be attached to the Supreme Court permanent officers, to be called official referees, who shall report on such questions and try such causes, matters, questions and issues as may be referred to them for report or trial respectively under the provisions of Part IV. of this Act.

(2) The number of the official referees, and the tenure of their office, shall be determined by the Lord Chancellor, with the concurrence of the Lord Chief Justice and the President of the Probate Division, and with the sanction of the Treasury.

(3) The official referees shall perform the duties entrusted to them in such places, whether in London or in the country, as may from time to time be directed or authorised by any order of the High Court or of the Court of Appeal.

(4) All proper and reasonable travelling expenses incurred by the official referees in the discharge of their

duties shall be defrayed out of moneys provided by Parliament.

Qualifications.

126.—(1) A person shall not be qualified for appointment to any of the offices in the Supreme Court specified in the first column of the Fourth Schedule to this Act unless he is a person of the description specified in the second column of that Schedule in respect of that office:

Provided that notwithstanding anything in this section any person who held any office in the Supreme Court at the commencement of the Administration of Justice Act, 1925, shall be qualified for appointment to any office to which he might have been appointed if that Act had not passed.

(2) The registrars of the Chancery Division shall be appointed from among the persons who at the time of the appointment are clerks to the registrars, and a person shall not be qualified to be appointed as clerk to the registrars unless he is a solicitor of the Supreme Court of not less than two years' standing.

(3) A person shall not be qualified to be appointed a probate registrar or district probate registrar unless he is a barrister or solicitor, or a clerk who has served five years in the principal probate registry.

(4) A person shall not be qualified to be appointed an admiralty registrar or assistant registrar unless he is a barrister or solicitor of ten years' standing.

Compulsory retirement of certain officers.

127.—(1) A person holding any of the offices in the Supreme Court specified in Part I. or Part II. of the Third Schedule to this Act shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years:

Provided that, where the Lord Chancellor considers it desirable in the public interest to retain any such person in the public service after he attains the age of seventy-two years, he may, with the approval of the Treasury, authorise his continuance in the service up to such later age, not exceeding seventy-five years, as he thinks fit.

(2) The provisions of this section shall not apply to a person holding any of the offices specified in Part I. of the said Third Schedule if he was appointed to that office before the first day of July, nineteen hundred and

fifteen, and did not give notice in accordance with the provisions of section three of the Supreme Court Officers (Retirement, Pensions, &c.) Act, 1921, of his desire to accept the provisions contained in that Act in respect of the pensions of the persons holding the offices aforesaid in lieu of the provisions in respect of pensions which would have applied if that Act had not passed, or to a person holding either of the offices specified in Part II. of the said Third Schedule if he was appointed to that office before the date aforesaid. 11&12Geo.5. c. 56.

Pensions of certain officers.

128.—(1) The provisions of the Superannuation Acts, 1834 to 1919, shall apply to persons holding any of the offices specified in Part I. of the Third Schedule to this Act, subject to the following modifications:—

(*a*) On the retirement of a person from any of the offices aforesaid there may be granted to him a superannuation allowance calculated in accordance with the provisions of Part III. of the said Third Schedule instead of a superannuation allowance calculated in accordance with the provisions of the Superannuation Acts, 1834 to 1919:

(*b*) Section two of the Superannuation Act, 1909 (which authorises the grant of a gratuity in case of death), section three of that Act (which provides for the application of the Act to existing male civil servants), and subsection (2) of section six of that Act (which relates to compensation for abolition of office), and section two of the Superannuation Act, 1914 (which amends subsection (1) of section two of the Superannuation Act, 1909), shall not apply: 9 Edw. 7. c. 10. 4 & 5 Geo. 5. c. 86.

(*c*) Section ten of the Superannuation Act, 1859 (which prohibits the grant of superannuation allowance to a person under the age of sixty years except upon evidence of infirmity) shall not apply, but it shall not be lawful to grant any superannuation allowance under the provisions of this section to any person who is under the age of seventy-two years, unless upon a medical certificate to the satisfaction of the Treasury to the effect that he is incapable from infirmity of mind or body of discharging the 22 Vict. c. 26.

duties of his office and that the infirmity is likely to be permanent, or unless he has served fifteen years in one or more of the offices specified in Part I. of the said Third Schedule and has attained the age of sixty-five years:

Provided that—

(i) The foregoing provisions of this section shall not apply to any person to whom, if the Supreme Court Officers (Retirement, Pensions, &c.) Act, 1921, had not been repealed by this Act, section two of that Act would not have applied or to any person who, having been appointed to one of the offices aforesaid was at the time of his appointment a civil servant within the meaning of the Superannuation Act, 1887, unless he gives notice in such form and within such period as may be prescribed by the Lord Chancellor, of his desire to accept those provisions in lieu of the general provisions of the Superannuation Acts, 1834 to 1919:

50 & 51 Vict. c. 67.

(ii) In the case of any person who in pursuance of the provisions of proviso (ii) to subsection (1) of section two of the Supreme Court Officers (Retirement, Pensions, &c.) Act, 1921, gave notice that he desired to accept the provisions of that section with the substitution for the allowances under the Second Schedule to that Act of the allowances and other benefits set out in the Third Schedule to that Act, this section shall have effect as if references to Part IV. of the Third Schedule to this Act were substituted for references to Part III. of that Schedule.

(2) For the purpose of computing any allowance or benefit under Part III. or Part IV. of the Third Schedule to this Act, no account shall be taken of any years of service in any office other than an office specified in Part I. of that Schedule.

(3) The provisions of this section shall not apply to a person holding any of the offices specified in Part I. of the said Third Schedule if he was appointed to that office before the first day of July, nineteen hundred and fifteen, and did not give notice in accordance with

the provisions of section three of the Supreme Court Officers (Retirement, Pensions, &c.) Act, 1921, of his desire to accept those provisions in lieu of the provisions in respect of pensions which would have applied to him if that Act had not passed.

Powers and duties of official solicitor.

129.—(1) Where under or by virtue of any order, grant or appointment, any powers and duties have been or are hereafter conferred or imposed on the official solicitor to the Supreme Court, then, unless and until the Supreme Court or a judge thereof, or in matters and proceedings in lunacy a judge or master in lunacy, otherwise directs in any particular case, those powers may be exercised and those duties shall be performed by the holder of the office for the time being, and no further order or appointment shall be necessary by reason only of the person on whom the powers and duties were conferred or imposed dying or ceasing to hold office.

(2) Any bond entered into by the official solicitor as such in connection with any grant of administration shall be binding on the holder of the office for the time being, and any property vested in the official solicitor as such shall, on his dying or ceasing to hold office, without any conveyance, assignment or transfer, become vested in his successor in like manner as it was vested in him.

Appointments to keep order, &c. in Royal Courts of Justice.

130.—(1) The Lord Chancellor may from time to time, with the concurrence of the Treasury, make regulations with respect to—

(*a*) the appointment, removal, payment and duties of persons to keep order in the Royal Courts of Justice;

(*b*) the appointment, removal, payment and duties of persons charged with the care and cleaning of the Royal Courts of Justice; and

(*c*) any other matters necessary or incidental to the use or management of the Royal Courts of Justice.

(2) Any remuneration payable under this section shall be paid out of moneys provided by Parliament.

Miscellaneous.

Patronage not other-

131. Subject to the provisions of this Act, any rights of patronage and other rights or powers incident to any

wise provided for.

court or to the office of any judge of any court whose jurisdiction is now vested in the High Court or the Court of Appeal, in respect of which rights of patronage or other rights or powers no provision is made by this Act, shall be exercised in such manner as His Majesty may by Sign Manual direct.

Construction of enactments, &c., referring to abolished officers or offices. 42 & 43 Vict. c. 78.

132. Any enactment or document referring to an officer or office abolished by the Supreme Court of Judicature (Officers) Act, 1879, shall, as far as it continues applicable, be construed as referring to the officer or office substituted by that Act, and rules of court may determine what officer or office is so substituted.

PART VI.

FUNDS IN COURT.

Pay office of Supreme Court.

133.—(1) There shall be an Accountant-General of, and an accounting department for, the Supreme Court.

(2) The Clerk of the Crown shall be the Accountant-General of the Supreme Court (in this Part of this Act referred to as "the Accountant-General").

(3) The office of the Accountant-General shall be an office of the Supreme Court.

(4) All funds transferred or paid into or deposited in court, to the credit of any cause, matter or account in any Division, shall be vested in the Accountant-General on behalf of the Supreme Court, and shall be subject to the provisions of this Part of this Act and to any rules made under this Part of this Act (in this Part of this Act referred to as "the rules.")

(5) The Accountant-General may do any act, sign or execute any instrument, and exercise any authority required or authorised to be done, signed, executed or exercised by him for the purposes of this Part of this Act or of the rules, by a deputy appointed by him in writing under his hand.

(6) References to the Paymaster-General in any rules made under or for the purposes of the Court of Chancery (Funds) Act, 1872, or any Act amending that Act, before the commencement of this Act shall be construed as references to the Accountant-General.

Liability of Consolidated Fund for default of Accountant.

134.—(1) The Consolidated Fund shall be liable to make good to the suitors of the High Court all funds in court.

(2) If the Lord Chancellor, whether on a representation made to him by any suitor or without any such representation, certifies to the Treasury in writing that the Accountant-General has failed to pay any money in court, or transfer or deliver any securities in court, required by any order of the court to be paid, transferred or delivered from his account, or has been guilty of any default with respect to any such money or securities, the Treasury shall cause to be paid out of the Consolidated Fund or the growing produce thereof into the Bank to the credit of the Accountant-General for and on behalf of the Supreme Court, such sum as may be certified by the Lord Chancellor in writing to be required for the purpose of paying the money so required to be paid, or of replacing the securities so required to be transferred or delivered or of making good such default.

Construction of Acts, &c., referring to Accountant-General.

135. All Acts, all rules and orders made in pursuance of any Act, all orders of the Court of Chancery, and all instruments and proceedings of every description referring to the Accountant-General of the Court of Chancery or Court of Exchequer, shall, subject to the provisions of this Part of this Act and of the rules, be construed and have effect as if the Accountant-General were therein referred to in place of the Accountant-General of the Court of Chancery or Court of Exchequer, so however that all money and securities shall be paid, transferred or deposited to the credit or account of the Accountant-General for and on behalf of the Supreme Court:

Provided that nothing in this section shall affect the King's Remembrancer, or the performance by him of any duties formerly performed by the Accountant-General of the Court of Exchequer, or apply to any Act, rule, order, instrument or proceeding relating to any such duties.

Pay Office for Supreme Court.

136. The Treasury shall cause the Accountant-General to keep in or near the Royal Courts of Justice an office for the purpose of carrying on the business of the Accountant-General under this Part of this Act.

Vesting of property in Accountant.

137. All funds in court in pursuance of this Part of this Act shall vest in the Accountant-General for and on behalf of the Supreme Court without any conveyance, assignment or transfer, notwithstanding the death or removal from office of the person who is Accountant-General, and shall be held by him in trust to attend the orders of the court and subject to the rules, and all acts done by the Accountant-General with reference to any such funds in pursuance of an order of the court shall be valid and effectual.

Transfer of securities and receipt of dividends.

138.—(1) All securities transferred, standing or deposited into, in or to the account of the Accountant-General in pursuance of this Part of this Act, shall be held by him in trust in the several causes and matters in which those securities are transferred, standing or deposited respectively, and shall not be transferred, sold or delivered out except in pursuance of an order of the court.

(2) The rules may determine what evidence of an order of the court and of the directions contained in the order shall be necessary and sufficient for authorising the Bank or any other person to transfer on sale or otherwise or deliver out any securities or other things standing in the books of or deposited with the Bank or that person to the credit or account of the Accountant-General, and the securities or things so directed to be transferred or delivered out shall be transferred or delivered out accordingly on behalf of the Accountant-General by some officer of the Bank or that person.

(3) The Bank shall, by one of their cashiers or some other proper officer, receive all dividends accruing due on all securities standing to the account of the Accountant-General for and on behalf of the Supreme Court of which a certificate has been sent to them by him, and shall also receive any principal money payable in respect of any such securities, and the said certificate shall be a sufficient authority to the Bank to receive the dividends and principal money.

(4) Any receipt given by the Bank or by any cashier or other proper officer of the Bank for any dividends on any securities standing to the account of the Accountant-General under this Part of this Act, or any

principal money payable in respect of any such securities, shall be a good discharge for those dividends or that money.

(5) The Bank shall place all money received by them in pursuance of this section to the credit of the Accountant-General for and on behalf of the Supreme Court.

Application of s. 60 of 45 & 46 Vict. c. 61 to cheques, &c. of Accountant.

139. Section sixty of the Bills of Exchange Act, 1882 (which relates to the indorsement of drafts or orders drawn upon bankers for the payment of money), shall extend to any document issued by the Accountant-General in pursuance of this Part of this Act which authorises the payment of money.

Indemnity to Bank.

140. Nothing in this Part of this Act shall be deemed to require the Bank to keep the account of the Accountant-General for and on behalf of the Supreme Court causewise, and the Bank are hereby indemnified for all acts and things done or permitted to be done in pursuance of this Part of this Act or of the rules, or of any order of the court made or purporting to be made in pursuance of this Part of this Act or of any such rule, or done or permitted to be done in pursuance of any certificate signed and countersigned as directed by this Part of this Act or the rules, and no such acts or things respectively shall be questioned in any court to the detriment of the Bank.

Establishment of suitors' deposit account.

35 & 36 Vict. c. 44.

141.—(1) Save as otherwise provided by the rules, all money in court shall, subject to the provisions of this Part of this Act and of the rules, be placed on deposit without, in the case of money paid into court after the commencement of the Court of Chancery (Funds) Act, 1872, any application or request for that purpose, and when so placed on deposit shall bear interest at the rate of two per cent. per annum together with any income tax chargeable thereon.

(2) Any money which may at any time be standing to the credit of the Accountant-General for and on behalf of the Supreme Court beyond the amount which the Accountant-General considers to be required for meeting current demands shall be placed in the hands of the National Debt Commissioners, who shall pay to the credit of the Accountant-General for and on behalf of the Supreme Court such sum as, with such money as is at

the time standing to his credit, may be certified by him to be required to meet current demands, and the Consolidated Fund shall be liable to make good all money so placed in the hands of the Commissioners and the interest payable on sums placed on deposit, in like manner as it is liable to make good money in court.

Saving for investments made under order of court.

142. Any money in court which under the rules or under rules of court or under an order of the court is required to be laid out in any particular investment shall, subject to the rules, be so laid out notwithstanding anything in this Part of this Act.

Validity of payments, &c. pursuant to rules of court.

143. All acts done by the Accountant-General with reference to funds in court pursuant to and in accordance with rules of court shall be as valid and effectual as if they had been done in pursuance of an order of the court.

Remittances by post.

144. Where by the rules or any regulations of the Treasury the Accountant-General is authorised to make payments of money to persons entitled thereto upon their request by transmitting to them by post crossed cheques or other documents intended to enable them to obtain payment of the sums expressed therein, the posting of a letter containing the cheque or document and addressed to the person entitled thereto at the address given by him in his request shall, as respects the liability of the Accountant-General and of the Consolidated Fund respectively, be equivalent to the delivery of the cheque or document to that person himself.

Application of money in hands of National Debt Commissioners.

145.—(1) The National Debt Commissioners shall, subject to the directions of the Treasury, from time to time invest all money placed in their hands in pursuance of this Part of this Act in Government securities, and shall out of the dividends on the securities purchased with that money and on the securities, if any, purchased with the accumulation of those dividends, pay the sums payable by them under this Part of this Act, and invest any residue thereof in Government securities, and may from time to time change any such securities into Government securities of another description of equivalent value.

(2) If at any time the money in the hands of the National Debt Commissioners under this Part of this Act is insufficient to pay the amount payable by them in pursuance of this Part of this Act, the Treasury shall

either direct the Commissioners to realise a sufficient portion of the securities so purchased as aforesaid and apply the proceeds of such realisation in paying the amount so payable by them, or cause the required sum to be issued to the Commissioners out of any money applicable to the sinking fund, or out of the Consolidated Fund or the growing produce thereof.

Power to make rules.

146.—(1) The Lord Chancellor, with the concurrence of the Treasury, may make rules for carrying this Part of this Act into effect, and regulating the deposit, payment, delivery and transfer in, into and out of court of money and securities which belong to suitors, or are otherwise capable of being deposited in or paid or transferred into court, or in or into the Bank with the privity of the Accountant-General, or are under the custody of the court, and the evidence of such deposit, payment, delivery or transfer, and the investment of and other dealing with money and securities in court in pursuance of the orders of the court, and the execution of the orders of the court, and the powers and duties of the Accountant-General with reference to such money and securities, and in particular for :—

(*a*) Regulating the mode in which the Accountant-General is to deal with money and securities in pursuance of the orders of the court, and the mode in which effect is to be given to an order of the court which is to be executed by or through the office of the Accountant-General, and generally the arrangements between that office and the court and the officers thereof, and the certificates and information to be given by the Accountant-General with reference to the business of the court:

(*b*) Regulating the deposit, payment, sale, transfer and delivery with, to and by the Accountant-General of the funds, and the proceedings, evidence and duties of persons in relation thereto:

(*c*) Determining the mode of ascertaining the value of Government securities transferred to the National Debt Commissioners, or otherwise ordered to be dealt with by the Accountant-General:

(*d*) Regulating the investment in securities of money in court and the conversion into money of securities in court, and the transfer to the National Debt Commissioners of Government securities ordered by the court to be sold or converted into cash, and the transfer by the Commissioners to the Accountant-General for and on behalf of the Supreme Court of Government securities ordered by the court to be purchased:

(*e*) Regulating the placing on and withdrawal from deposit of money in court, and the payment or crediting of interest on money placed on deposit:

(*f*) Determining the smallest amount which is to be invested in securities, unless directed to be so invested notwithstanding the smallness of the amount, and determining the smallest amount which is to be placed or remain on deposit, and the smallest amount of money on deposit on which interest in pursuance of this Part of this Act is to be credited to an account to which money placed on deposit belongs:

(*g*) Determining the smallest amount which shall, notwithstanding any order of the court, be paid by the Accountant-General:

Provided that—

(i) No rules made in pursuance of this paragraph shall apply to any periodical payments of annuities, or of dividends or interest on funds in court;

(ii) The amount determined under this paragraph shall not exceed one shilling; and

(iii) Any sums retained by the Accountant-General in accordance with any rule made under this paragraph shall, in such manner as the Treasury may direct, be either paid into the Exchequer or applied as an appropriation in aid of the moneys granted by Parliament for the expenses of the Supreme Court:

(*h*) Determining the time at which money in court is to be placed on deposit, and at which interest on

money so placed on deposit is to begin and cease, and the mode of computing any such interest:

(*i*) Determining the cases in which interest on money placed on deposit, and the dividends on any securities standing to the account of the Accountant-General for and on behalf of the Supreme Court, is or are to be placed on deposit:

(*k*) Dealing with—

(*a*) accounts on which the balance of money and securities together amounts to less than five pounds;

(*b*) accounts on which that balance amounts to five pounds or more, but less than fifty pounds, and which have not been dealt with for a period of five years;

(*c*) accounts on which that balance amounts to fifty pounds or more and which have not been dealt with for a period of fifteen years;

and providing for the publication of lists of all or any of such last-mentioned accounts:

(*l*) Regulating the mode of framing and expressing orders of the court and instruments and proceedings of the Accountant-General with reference to the business of the court:

(*m*) Abrogating any general orders of the Court of Chancery relating to the matters aforesaid.

(2) Every rule made in pursuance of this section shall be laid before Parliament and every rule purporting to be so made shall be deemed to have been duly made and to have been within the powers of this Act.

Regulations as to stock-broker.

147. The Treasury may make regulations with respect to the stockbroker to be employed in transacting the business relating to the funds vested in the Accountant-General for and on behalf of the Supreme Court, and the amount of commission to be received by him, or his payment by salary or otherwise.

Accounts of funds in court.

148.—(1) Accounts in such form as the Treasury may direct, including all such accounts as may be necessary for carrying into effect the orders of the High Court, shall be kept for the purposes of this Part of this Act, and separate accounts shall be kept for the transactions

under this Part of this Act of the Accountant-General and of the National Debt Commissioners and of the liability of the Consolidated Fund under this Part of this Act.

(2) The accounts to be kept under this section shall be examined by the Comptroller and Auditor-General, and the Treasury shall cause copies of the accounts certified by the Comptroller and Auditor-General, together with his report thereon, to be sent to the Lord Chancellor and to be laid before both Houses of Parliament.

Interpretation of terms in Part VI.

149. In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

"Supreme Court," "High Court" and "court" include the Lord Chancellor and any person exercising the powers of the judge in lunacy:

"Order of the court" means any such order, decree, report, certificate or direction of the court, or any judge or officer thereof, as may be prescribed by the rules:

"Dividends" includes interest or other periodical produce:

"Government securities" means any annuities, exchequer bonds or other parliamentary securities of the Government of the United Kingdom:

"Securities" includes Government securities, and any security of any foreign state, of any part of His Majesty's Dominions outside the United Kingdom, or of any body corporate or company, or any securities standing in books kept by any person in the United Kingdom:

"Securities in court" means any securities standing or deposited in the name or to the credit or account of the Accountant-General for and on behalf of the Supreme Court, or placed to the credit of a cause, matter or account in court:

"Money in court" means any sum of money paid into the Bank with the privity of the Accountant-General for and on behalf of the Supreme Court or placed to the credit of any cause, matter or account

in court, and includes dividends on securities in court and interest on money on deposit:

"Funds" and "funds in court" mean any money, securities or effects or any part thereof, standing or to be placed to the account or credit of the Accountant-General for and on behalf of the Supreme Court in the books of the Bank:

"The Bank" means the Bank of England.

PART VII.

PROBATE CAUSES AND MATTERS.

Grants of Probate and Administration.

Application for grants.

150. An application for the grant or revocation of probate or administration may be made through the principal probate registry:

Provided that—

(*a*) Where, in any contentious matter arising out of the application, the court is satisfied that the state of the property and the place of abode of the deceased were such as to give jurisdiction in the matter to a county court, the court may remit the matter to that county court and the judge thereof shall proceed in the matter as if the application had been made to the county court in the first instance:

(*b*) Where a registrar of the principal probate registry is satisfied by affidavit that the personal estate of the person in respect of whose estate the application for the grant or revocation is made exclusive of what he was possessed of or entitled to as a trustee and not beneficially, but without any deduction on account of his debts, was at the time of his death under the value of two hundred pounds, and that at that time he was not seised or entitled beneficially of or to any real estate of the value of three hundred pounds or upwards, the judge of the county court having jurisdiction in the place of abode of the deceased shall have the jurisdiction of the High Court in respect of any contentious matter arising in connection with the said grant or revocation.

Grants in district probate registries.

151.—(1) Grants may be made in common form by district probate registrars in the name of the High Court and under the seal of the registry, and any such grant shall have effect over the personal estate of the deceased, and, subject to the provisions of this Part of this Act, over the real estate of the deceased, in all parts of England.

(2) No grant shall be made by a district probate registrar in any case in which there is contention until the contention is disposed of, or in any case in which it appears to him that a grant ought not to be made without the direction of the court.

(3) In any case where it appears doubtful to a district probate registrar whether an application for a grant of probate or administration should or should not be granted, or where any question arises in relation to a grant, or an application for a grant, the district probate registrar shall send a statement of the matter in question to the principal probate registry for the directions of the court, and the court may direct the district probate registrar to proceed with the matter in accordance with such instructions as the court may think necessary, or may forbid any further proceedings by the district probate registrar in relation to the matter, leaving the party applying for the grant to apply to the High Court through the principal probate registry or, if the case is within the jurisdiction of a county court, to the county court.

Duties of district probate registrars.

152.—(1) A district probate registrar shall send to the principal probate registry a notice in the prescribed form of every application made in the registry for a grant as soon as may be after the application has been made, and no grant shall be made by him until he has received from the principal probate registry a certificate that no other application appears to have been made in respect of the estate of the testator or intestate.

(2) The certificate aforesaid shall be forwarded as soon as may be to the district probate registrar, and may be issued from the principal probate registry under a stamp provided for that purpose and approved by the President of the Probate Division.

(3) All notices so transmitted to the principal probate registry shall be filed and kept in that registry.

(4) Where any such notice is received from any district probate registry the registrars of the principal probate registry shall examine all notices of applications for grants received from the several other district probate registries and all applications for grants made at the principal probate registry, so far as may be necessary for the purpose of ascertaining whether application for a grant in respect of the estate of the same deceased person has been made in more than one registry, and shall communicate with the district probate registrar as occasion may require in relation thereto.

(5) A district probate registrar shall, once in every month, or oftener if required by probate rules or orders, transmit to the principal probate registry a list in the prescribed form of the grants made by him and not included in a previous return, and also copies of the wills to which the grants relate, certified by him to be correct under a stamp provided by the district probate registrar for that purpose and approved by the President of the Probate Division.

(6) A district probate registrar shall file and preserve all original wills of which probate or administration with the will annexed has been granted by him, subject to such regulations with respect to the preservation and inspection of the wills as may from time to time be made by the President of the Probate Division.

Second and subsequent grants.

153. Second and subsequent grants shall be made in the principal probate registry or in the district probate registry where the original will is registered or the original grant was made, or to which the original will or a registered copy thereof or the record of the original grant has been transmitted in pursuance of section eighty-nine of the Court of Probate Act, 1857, or of this Part of this Act.

Caveats.

154.—(1) A caveat against a grant of probate or administration may be entered in the principal probate registry or in any district probate registry.

(2) On a caveat being entered in a district registry, the district probate registrar shall immediately send a copy thereof to the principal probate registry to be entered among the caveats in that registry.

Power to grant representation of real and

155.—(1) Probate or administration in respect of the real estate of a deceased person, or any part thereof, may be granted either separately or together with probate or

personal estate separately or together.

administration of his personal estate, and may also be granted in respect of real estate only where there is no personal estate, or in respect of a trust estate only, and a grant of administration to real estate may be limited in any way the court thinks proper:

Provided that where the estate of the deceased is known to be insolvent, the grant of representation to the estate shall not be severed except as regards a trust estate.

(2) Provision may be made by probate rules and orders for adapting to the case of real estate the procedure and practice on the grant of administration.

Calendars of grants.

156.—(1) The President of the Probate Division shall cause to be prepared and printed from time to time in the principal probate registry calendars of the grants made in that registry and in the several district probate registries for such periods as the President of the Probate Division may direct.

(2) Every such calendar shall contain a note of every probate or administration with the will annexed and of every other administration granted within the period specified in the calendar, setting forth the date of the grant, the registry in which it was made, the name and the place and time of death of the testator or intestate, the names and descriptions of the executors or administrators, and the value of the estate.

(3) A printed copy of every calendar so prepared shall be sent by post or otherwise to every district probate registry, to the probate registry in Belfast, to the office of the commissary clerk of Edinburgh, and to such other offices as the President shall from time to time direct, and every copy so transmitted shall be kept in the registry or office to which it is transmitted, and may be inspected by any person on payment of a fee of one shilling for each search, without reference to the number of calendars inspected.

Copies of wills to be delivered to Commissioners of Inland Revenue.

157. Subject to any arrangements which may from time to time be made between the President of the Probate Division and the Commissioners of Inland Revenue, every probate registry shall, within such period after a grant as the President may direct, deliver to the Commissioners of Inland Revenue or their proper officer the following documents—

(*a*) In the case of a probate or of letters of administration with a will annexed, the Inland Revenue affidavit and a copy of the will:

(*b*) In the case of letters of administration without a will annexed, the Inland Revenue affidavit:

(*c*) In every case of letters of administration a copy or extract of the letters of administration:

(*d*) In every case such certificate or note of the grant as the said Commissioners may require.

Temporary provisions.

158. The foregoing provisions of this Part of this Act shall have effect subject to the temporary provisions set out in Part I. of the Fifth Schedule to this Act, and the extension of the power to make grants in district probate registries which will come into operation when the temporary provisions cease to have effect shall be subject to probate rules and orders.

Provisions as to Executors and Administrators.

Summons of executor to prove or renounce.

159. The High Court shall have power to summon any person named as executor in a will to prove or renounce probate of the will, and to do such other things concerning the will as were customary before the commencement of this Act.

Provisions as to the number of personal representatives.

160.—(1) Probate or administration shall not be granted to more than four persons in respect of the same property, and administration shall, if there is a minority or if a life interest arises under the will or intestacy, be granted either to a trust corporation, with or without an individual, or to not less than two individuals:

Provided that the court in granting administration may act on such primâ facie evidence, furnished by the applicant or any other person, as to whether or not there is a minority or life interest, as may be prescribed by probate rules and orders.

(2) If there is only one personal representative (not being a trust corporation) then, during the minority of a beneficiary or the subsistence of a life interest and until the estate is fully administered, the court may, on the application of any person interested or of the guardian, committee or receiver of any such person, appoint one or more personal representatives in addition to the original personal representative in accordance with probate rules and orders.

(3) This section shall apply to grants made after the date of the commencement of this Act, whether the testator or intestate died before or after that date.

Power to grant representation to a trust corporation.

161.—(1) The High Court may—

(*a*) where a trust corporation is named in a will as executor, whether alone or jointly with another person, grant probate to the corporation either solely or jointly with another person, as the case may require; and

(*b*) grant administration to a trust corporation, either solely or jointly with another person,

and the corporation may act accordingly as executor or administrator, as the case may be.

(2) Probate or administration shall not be granted to a syndic or nominee on behalf of a trust corporation.

(3) Any officer authorised for the purpose by a trust corporation or the directors or governing body thereof may, on behalf of the corporation, swear affidavits, give security and do any other act or thing which the court may require with a view to the grant to the corporation of probate or administration, and the acts of an officer so authorised shall be binding on the corporation.

(4) Where, at the commencement of this Act, any interest in any estate is vested in a syndic on behalf of a trust corporation acting as the personal representatives of a deceased person, the said interest shall, by virtue of this Act, vest in the corporation, and the syndic shall be kept indemnified by the corporation in respect of the said interest.

This subsection shall not apply to securities registered or inscribed in the name of a syndic or to land or a charge registered under the Land Registration Act, 1925, in the name of a syndic, but any such securities, land or charge, shall be transferred by the syndic to the corporation or as the corporation may direct.

15 & 16 Geo. 5. c. 21.

(5) This section shall have effect whether the intestate died before or after the commencement of this Act, and no such vesting or transfer as aforesaid shall operate as a breach of a covenant or condition against alienation or give rise to a forfeiture.

Discretion of court as to persons to whom administration is to be granted.

162.—(1) In granting administration the High Court shall have regard to the rights of all persons interested in the estate of the deceased person or the proceeds of sale thereof, and, in particular, administration with the will annexed may be granted to a devisee or legatee, and in regard to land settled previously to the death of the deceased and not by his will, may be granted to the

trustees of the settlement, and any such administration may be limited in any way the court thinks fit:

Provided that where the deceased died wholly intestate as to his estate, administration shall—

(*a*) unless by reason of the insolvency of the estate or other special circumstances the court thinks it expedient to grant administration to some other person, be granted to some one or more of the persons interested in the residuary estate of the deceased, if they make an application for the purpose; and

(*b*) as regards land settled previously to the death of the deceased, be granted to the trustees, if any, of the settlement if willing to act.

(2) This section shall apply only in the case of persons dying after the date of the commencement of this Act, and the High Court in granting administration in the case of persons dying at any time before that date shall act in accordance with the principles and rules in accordance with which it would have acted if this Act had not passed.

Administration pendente lite.

163.—(1) Where any legal proceedings touching the validity of the will of a deceased person, or for obtaining, recalling or revoking any grant, are pending, the High Court may grant administration of the estate of the deceased to an administrator, who shall have all the rights and powers of a general administrator, other than the right of distributing the residue of the estate, and every such administrator shall be subject to the immediate control of the court and act under its direction.

(2) The court may, out of the estate of the deceased, assign to an administrator appointed under this section such reasonable remuneration as the court thinks fit.

Grant of special administration where personal representative is abroad.

164.—(1) If at the expiration of twelve months from the death of a person any personal representative of the deceased to whom a grant has been made is residing out of the jurisdiction of High Court, the court may, on the application of any creditor or person interested in the estate of the deceased, grant to him in the prescribed form special administration of the estate of the deceased.

(2) The court may, for the purpose of any legal proceedings to which the administrator under the special administration is a party, order the transfer into court

of any money or securities belonging to the estate of the deceased person, and all persons shall obey any such order.

(3) If the personal representative capable of acting as such returns to and resides within the jurisdiction of the High Court while any legal proceedings to which a special administrator is a party are pending, that personal representative shall be made a party to the legal proceedings, and the costs of and incidental to the special administration and the legal proceedings shall be paid by such person and out of such fund as the court in which the proceedings are pending may direct.

Administration during minority of executor.

165.—(1) Where an infant is sole executor of a will, administration with the will annexed shall be granted to his guardian, or to such other person as the court thinks fit, until the infant attains the age of twenty-one years, and on his attaining that age, and not before, probate of the will may be granted to him.

(2) Where a testator by his will appoints an infant to be an executor, the appointment shall not operate to transfer any interest in the property of the deceased to the infant or to constitute him a personal representative for any purpose unless and until probate is granted to him under this section.

Administration with will annexed.

166. Subject to the provisions of any enactment relating to special executors in the case of settled land, administration with the will annexed shall continue to be granted in every case where such a grant was customary before the commencement of this Act, and in such case the will of the deceased shall be performed and observed in like manner as if probate thereof had been granted to an executor.

Administration bonds.

167.—(1) Every person to whom a grant of administration is made shall give a bond (in this section referred to as "an administration bond") to the senior registrar of the Probate Division by the name of "the principal probate registrar," and, subject to the provisions of this section, if the principal probate registrar, or, where the grant was made in a district registry, the district probate registrar, so requires, with one or more sureties conditioned for duly collecting, getting in, and administering the real and personal estate of the deceased.

(2) The principal probate registrar for the time being shall have power to enforce any administration

bond or to assign it in accordance with the provisions of this section to some other person.

(3) An administration bond shall be in such form as may be directed by probate rules and orders.

(4) Where it appears to the satisfaction of the court or a judge that the condition of an administration bond has been broken, the court or judge may, on an application in that behalf, order that the bond shall be assigned to such person as may be specified in the order, and the person to whom the bond is assigned in pursuance of the order shall be entitled to sue thereon in his own name as if it had been originally given to him instead of to the principal probate registrar, and to recover thereon as trustee for all persons interested the full amount recoverable in respect of the breach of the condition thereof.

(5) Without prejudice to any proceedings instituted before the first day of October, nineteen hundred and twenty-five, any administration bond given before that date under any enactment repealed by the Administration of Justice Act, 1925, or which is to be enforceable as if it had been given under any such enactment, may be enforced or assigned as if it had been given to the principal probate registrar under this section.

(6) Nothing in this section shall require the Solicitor for the affairs of His Majesty's Treasury or the Solicitor for the affairs of the Duchy of Lancaster, when applying for or obtaining administration for the use or benefit of His Majesty, to give an administration bond.

(7) Probate rules and orders may be made for providing that sureties to administration bonds shall not be required when the grant is made to a trust corporation or to two or more individuals, or in any other proper case.

Resealing of Grants made in other Countries.

Resealing of Scottish confirmations.

168.—(1) If a confirmation of the executor of a person who died domiciled in Scotland, which includes besides the estate situate in Scotland also personal estate situate in England, is produced to the High Court, and a copy thereof deposited in the principal probate registry, the confirmation shall, if there is inserted therein or noted thereon a statement signed by the sheriff clerk to the effect that the deceased died domiciled in Scotland,

be sealed with the seal of the principal probate registry and returned to the person producing it, and shall on being so sealed have the like effect in England as if it were a grant made by the High Court.

(2) The foregoing provisions of this section shall apply—

(*a*) to an additional confirmation granted in a sheriff court in Scotland of estate situate in England of a person who died domiciled in Scotland, whether the original confirmation has been sealed with the seal of the principal probate registry or not, and notwithstanding that the additional inventory confirmed does not contain any estate of the deceased situate in Scotland; and

(*b*) to a confirmation or additional confirmation of personal estate situate in Scotland which contains or has appended thereto and signed by the sheriff clerk a note or a statement of funds in England held by the deceased in trust, being a note or statement which has been set forth in any inventory recorded in the books of the court of which the sheriff clerk is clerk;

as they apply with respect to confirmations which include personal estate situate in England.

38 & 39 Vict. c. 41. 39 & 40 Vict. c. 24.

(3) Where a confirmation granted under the Intestates Widows and Children (Scotland) Act, 1875, or the Small Testate Estates (Scotland) Act, 1876, contains estate in England, the principal probate registrar shall, on the confirmation being sent to him for the purpose by the commissary clerk or sheriff clerk together with a fee of two shillings and sixpence, affix thereto the seal of the principal probate registry.

Resealing of Irish grants.

169.—(1) If probate or letters of administration granted by the High Court of Justice in Northern Ireland is or are produced to the High Court and a copy thereof is deposited with the principal probate registry, the grant shall, subject to the provisions of this section, be sealed with the seal of the principal probate registry, and shall have the like effect in England as if it had been originally made by the High Court.

57 & 58 Vict. c. 30.

(2) Where a grant has been made under section sixteen of the Finance Act, 1894, by the High Court of Justice in Northern Ireland in respect of the estate of

any person and there is estate of that person in England, the principal probate registrar, if the case is one in which a grant might have been made under the said section sixteen in England, shall, subject to the provisions of this section, on the grant being sent to him for the purpose together with a fee of two shillings and sixpence, affix thereto the seal of the principal probate registry.

(3) No grant shall be resealed under the provisions of this section unless and until there is delivered to the principal probate registry, together with the grant, an Inland Revenue affidavit accounting, as on an application for an original grant, for the estate duty, if any, payable in Great Britain in respect of the personal estate of which the deceased was competent to dispose at his death, except that if the estate duty has previously been paid on a prior certification in Scotland of the grant in question, the Inland Revenue affidavit shall be endorsed to that effect by the Commissioners of Inland Revenue.

(4) Notwithstanding the provisions of section forty-eight of the Finance (No. 2) Act, 1915, a grant made by the High Court of Justice in Northern Ireland shall not have effect with respect to Government stock in England unless it is re-sealed under the provisions of this section. 5 & 6 Geo. 5. c. 89.

(5) This section shall apply to grants in respect of the estates of persons dying on or after the first day of April, nineteen hundred and twenty-three.

Miscellaneous.

Place of deposit of original wills.

170. There shall be one place of deposit under the control of the High Court, at such place in the County of London as His Majesty may by Order in Council direct, in which—

(*a*) all original wills brought into the High Court or of which probate or administration with the will annexed has been granted in the principal probate registry;

(*b*) copies of all wills the originals of which are to be preserved in any district registry; and

(*c*) such other documents as the High Court may direct,

shall be deposited and preserved, and in which, subject to the control of the High Court and to probate rules and orders, they may be inspected.

Official copies of wills.

171. An official copy of the whole or any part of a will or an official certificate of any grant of administration may, on payment of the prescribed fee, be obtained from the registry where the will was proved or the administration granted.

Depositories of wills of living persons.

172. There shall, under the control and direction of the High Court, be provided safe and convenient depositories for the custody of the wills of living persons, and any person may deposit his will therein on payment of such fees and subject to such regulations as may from time to time be prescribed by the President of the Probate Division.

Transmission of documents to High Court.

173.—(1) Every person having the custody of documents which belonged to any court or person who had jurisdiction, immediately before the commencement of the Court of Probate Act, 1857, to grant probate or administration shall, upon receiving a requisition from any probate registrar under the seal of the principal probate registry transmit to the principal probate registry or to any other place mentioned in the requisition, at the time and in the manner therein mentioned, any one or more of any documents relating exclusively or principally to testamentary causes or matters which may be in his possession or control, and any document so requisitioned shall be deposited and arranged in the principal probate registry or the district probate registry, as the case may be, under the control and direction of the High Court so as to be easy of reference.

(2) If any person refuses or neglects to comply with a requisition made under this section he shall be liable to a penalty of one hundred pounds, which (together with the costs of the proceedings) shall be recoverable in the High Court by a probate registrar.

(3) The Treasury may, out of moneys provided by Parliament, pay such expenses of arranging, classifying, indexing, transmitting or otherwise connected with the removal of documents in consequence of any requisition under this section as the President of the Probate Division may from time to time certify to the Treasury to be proper and necessary.

(4) Notwithstanding anything in this section, it shall be lawful for the University of Oxford to retain the custody of any such documents belonging to the court

of the Chancellor of Oxford University as are included in the index of which a copy has been transmitted to the principal probate registrar under section two of the Oxford University Act, 1860: 23 & 24 Vict. c. 91.

Provided that any person shall at all convenient times, under the authority of a registrar of the principal probate registry or of the district probate registrar at Oxford, be entitled to inspect and to take extracts or copies therefrom on payment of the same fees as would be payable if the documents had been deposited in the principal probate registry or in the district probate registry at Oxford, and all such fees shall be payable to the persons who would in that event be entitled to receive them, and no officer of the University or of the said court shall be entitled to receive any such fees.

Seals for use in probate registries.

174.—(1) In the principal probate registry and in every district probate registry there shall be used such seal as the President of the Probate Division may from time to time direct.

(2) All probates, letters of administration, orders and other instruments and copies thereof and all exemplifications purporting to be sealed with any such seal as aforesaid shall be received in evidence in all parts of the United Kingdom without further proof.

Interpretation of terms in Part VII. and saving.

175.—(1) In this Part of this Act, and in the other provisions of this Act relating to probate causes and matters, unless the context otherwise requires, the following expressions shall have the meaning hereby assigned to them respectively, that is to say:—

"Administration" includes all letters of administration of the effects of deceased persons, whether with or without a will annexed, and whether granted for general, special or limited purposes:

"The court" means the High Court or a judge:

"Estate" means real and personal estate, and the expression "real estate" includes—

(*a*) chattels real and land in possession, remainder or reversion and every interest in or over land to which the deceased person was entitled at the time of his death; and

(*b*) real estate held on trust or by way of mortgage, whether by demise or sub-demise, or of security, but not money to arise under a trust for

sale of land, nor money secured or charged on land:

"Grant" means a grant of probate or of administration:

"Inland Revenue affidavit" has the same meaning as in Part I. of the Finance Act, 1894: 57 & 58 Vict. c. 30.

"Non-contentious or common form probate business" means the business of obtaining probate and administration where there is no contention as to the right thereto, including the passing of probates and administrations through the High Court in contentious cases where the contest has been terminated, and all business of a non-contentious nature in matters of testacy and intestacy not being proceedings in any action, and also the business of lodging caveats against the grant of probate or administration:

"Prescribed" means prescribed by probate rules and orders:

"Settled land" and "trustees of the settlement" have the same meaning as in the Settled Land Act, 1925: 15 & 16 Geo. 5. c. 18.

"Testamentary cause or matter" includes all cases or matters relating to the grant or revocation of probate or administration:

"Trust corporation" means the public trustee or a corporation either appointed by the court in any particular case to be a trustee or authorised by rules made under subsection (3) of section four of the Public Trustee Act, 1906, to act as custodian trustee: 6 Edw. 7. c. 55.

"Will" includes any testamentary instrument of which probate may be granted.

(2) Nothing in this Act shall operate to extend to any real estate to which any person dying before the first day of January, eighteen hundred and ninety-eight, or any person dying on or after that day and before the commencement of this Act was entitled, any enactments or rules of law which did not immediately before the said first day of January or the commencement of this Act, as the case may be, extend to the real estate of such a person or to confer on the High Court with respect to any such real estate any probate jurisdiction which

was not immediately before the said first day of January or immediately before the commencement of this Act, as the case may be, vested in the High Court constituted under the Act of 1873.

(3) The provisions set out in Part II. of the Fifth Schedule to this Act shall, subject in the case of a person dying on or after the first day of January, eighteen hundred and ninety-eight, and before the commencement of this Act to the provisions of the Land Transfer Act, 1897, have effect with respect to the probate or revocation of the probate of the will of any person dying as is mentioned in subsection (2) of this section which affects real estate and with respect to the evidentiary effect in actions concerning real estate of probate or administration granted in respect of the estate of a person so dying. 60 & 61 Vict. c. 65.

PART VIII.

MATRIMONIAL CAUSES AND MATTERS.

Divorce and Nullity of Marriage.

176. A petition for divorce may be presented to the High Court (in this Part of this Act referred to as "the court")— Grounds for petition for divorce.

(*a*) by a husband on the ground that his wife has since the celebration of the marriage been guilty of adultery; and

(*b*) by a wife on the ground that her husband has since the celebration of the marriage been guilty of rape, or of sodomy or bestiality, or that he has since the celebration of the marriage and since the seventeenth day of July, nineteen hundred and twenty-three, been guilty of adultery:

Provided that nothing in this Act shall affect the right of a wife to present a petition for divorce on any ground on which she might, if the Matrimonial Causes Act, 1923, had not passed, have presented such a petition, and on any petition presented by a wife for divorce on the ground of the adultery and cruelty, or adultery and desertion, of her husband, the husband and wife shall be competent and compellable to give evidence with respect to the cruelty or desertion. 13 & 14 Geo. 5. c. 19.

Provision as to making adulterer co-respondent.

177.—(1) On a petition for divorce presented by the husband or in the answer of a husband praying for divorce the petitioner or respondent, as the case may be, shall make the alleged adulterer a co-respondent unless he is excused by the court on special grounds from so doing.

(2) On a petition for divorce presented by the wife the court may, if it thinks fit, direct that the person with whom the husband is alleged to have committed adultery be made a respondent.

Duty of court on presentation of petition.

178.—(1) On a petition for divorce it shall be the duty of the court to satisfy itself so far as it reasonably can both as to the facts alleged and also as to whether the petitioner has been accessory to or has connived at or condoned the adultery or not, and also to enquire into any countercharge which is made against the petitioner.

(2) If on the evidence the court is not satisfied that the alleged adultery has been committed or find that the petitioner has during the marriage been accessory to or has connived at or condoned the adultery complained of, or that the petition is presented or prosecuted in collusion with either of the respondents, the court shall dismiss the petition.

(3) If the court is satisfied on the evidence that the case for the petition has been proved and does not find that the petitioner has in any manner been accessory to or connived at or condoned the adultery or that the petition is presented or prosecuted in collusion with either of the respondents, the court shall pronounce a decree of divorce:

Provided that the court shall not be bound to pronounce a decree of divorce if it finds that the petitioner has during the marriage been guilty of adultery, or if in the opinion of the court he has been guilty—

(*a*) of unreasonable delay in presenting or prosecuting the petition; or

(*b*) of cruelty towards the other party to the marriage; or

(*c*) of having without reasonable excuse deserted, or of having without reasonable excuse wilfully separated himself or herself from, the other party before the adultery complained of; or

(*d*) of such wilful neglect or misconduct as has conduced to the adultery.

Dismissal of respondent or co-respondent from proceedings.

179. In any case in which, on the petition of a husband for divorce, the alleged adulterer is made a co-respondent or in which, on the petition of a wife for divorce, the person with whom the husband is alleged to have committed adultery is made a respondent, the court may, after the close of the evidence on the part of the petitioner, direct the co-respondent or the respondent, as the case may be, to be dismissed from the proceedings if the court is of opinion that there is not sufficient evidence against him or her.

Relief to respondent on petition for divorce.

180. If in any proceedings for divorce the respondent opposes the relief sought, in the case of proceedings instituted by the husband, on the ground of his adultery, cruelty or desertion, or, in the case of proceedings instituted by the wife, on the ground of her adultery, cruelty or desertion, the court may give to the respondent the same relief to which he or she would have been entitled if he or she had presented a petition seeking such relief.

Duties of King's Proctor.

181. In the case of any petition for divorce or for nullity of marriage—

(1) The court may, if it thinks fit, direct all necessary papers in the matter to be sent to His Majesty's Proctor, who shall under the directions of the Attorney-General instruct counsel to argue before the court any question in relation to the matter which the court deems to be necessary or expedient to have fully argued, and His Majesty's Proctor shall be entitled to charge the costs of the proceedings as part of the expenses of his office:

(2) Any person may at any time during the progress of the proceedings or before the decree nisi is made absolute give information to His Majesty's Proctor of any matter material to the due

decision of the case, and His Majesty's Proctor may thereupon take such steps as the Attorney-General considers necessary or expedient:

(3) If in consequence of any such information or otherwise His Majesty's Proctor suspects that any parties to the petition are or have been acting in collusion for the purpose of obtaining a decree contrary to the justice of the case, he may, under the direction of the Attorney-General, after obtaining the leave of the court, intervene and retain counsel and subpœna witnesses to prove the alleged collusion.

Provisions as to costs where King's Proctor intervenes or shows cause.

182.—(1) Where His Majesty's Proctor intervenes or shows cause against a decree nisi in any proceedings for divorce or for nullity of marriage, the court may make such order as to the payment by other parties to the proceedings of the costs incurred by him in so doing or as to the payment by him of any costs incurred by any of the said parties by reason of his so doing, as may seem just.

(2) So far as the reasonable costs incurred by His Majesty's Proctor in so intervening or showing cause are not fully satisfied by any order made under this section for the payment of his costs, he shall be entitled to charge the difference as part of the expenses of his office, and the Treasury may, if they think fit, order that any costs which under any order made by the court under this section His Majesty's Proctor pays to any parties shall be deemed to be part of the expenses of his office.

Decree nisi for divorce or nullity of marriage.

183.—(1) Every decree for a divorce or for nullity of marriage shall, in the first instance, be a decree nisi not to be made absolute until after the expiration of six months from the pronouncing thereof, unless the court by general or special order from time to time fixes a shorter time.

(2) After the pronouncing of the decree nisi and before the decree is made absolute, any person may, in the prescribed manner, show cause why the decree should not be made absolute by reason of the decree having been obtained by collusion or by reason of material facts not having been brought before the court, and in

any such case the court may make the decree absolute, reverse the decree nisi, require further inquiry or otherwise deal with the case as the court thinks fit.

Re-marriage of divorced persons.

184.—(1) As soon as any decree for divorce is made absolute, either of the parties to the marriage may, if there is no right of appeal against the decree absolute, marry again as if the prior marriage had been dissolved by death or, if there is such a right of appeal, may so marry again, if no appeal is presented against the decree, as soon as the time for appealing has expired, or, if an appeal is so presented, as soon as the appeal has been dismissed:

Provided that it shall not be lawful for a man to marry the sister or half-sister of his divorced wife or of his wife by whom he has been divorced during the lifetime of the wife, or the divorced wife of his brother or half-brother or the wife of his brother or half-brother who has divorced his brother during the lifetime of the brother or half-brother.

(2) No clergyman of the Church of England shall be compelled to solemnise the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any proceedings, penalty or censure for solemnising or refusing to solemnise the marriage of any such person.

(3) If any minister of any church or chapel of the Church of England refuses to perform the marriage service between any persons who but for his refusal would be entitled to have the service performed in that church or chapel, he shall permit any other minister of the Church of England entitled to officiate within the diocese in which the church or chapel is situate to perform the marriage service in that church or chapel.

Judicial Separation and Restitution of Conjugal Rights.

Decree for judicial separation

185.—(1) A petition for judicial separation may be presented to the court either by the husband or the wife on the ground of adultery or cruelty, desertion without cause for not less than two years, failure to comply with a decree for restitution of conjugal rights, or on any ground on which a decree for divorce a mensâ et thoro

might have been pronounced immediately before the commencement of the Matrimonial Causes Act, 1857.

20 & 21 Vict. c. 85.

(2) The court may, on being satisfied that the allegations contained in the petition are true and that there is no legal ground why the petition should not be granted, make a decree for judicial separation, and any such decree shall have the same force and effect as a decree for divorce a mensâ et thoro had immediately before the commencement of the Matrimonial Causes Act, 1857.

(3) The court may, on the application by petition of the husband or wife against whom a decree for judicial separation has been made, and on being satisfied that the allegations contained in the petition are true, reverse the decree at any time after the making thereof, on the ground that it was obtained in the absence of the person making the application, or, if desertion was the ground of the decree, that there was reasonable cause for the alleged desertion.

(4) The reversal of a decree for judicial separation shall not affect the rights or remedies which any other person would have had if the decree had not been reversed in respect of any debts, contracts or acts of the wife incurred, entered into or done between the date of the decree and of the reversal thereof.

Decree for restitution of conjugal rights.

186. A petition for restitution of conjugal rights may be presented to the court either by the husband or the wife, and the court, on being satisfied that the allegations contained in the petition are true, and that there is no legal ground why a decree for restitution of conjugal rights should not be granted, may make the decree accordingly.

Periodical payments in lieu of attachment.

187.—(1) A decree for restitution of conjugal rights shall not be enforced by attachment, but where the application is by the wife the court, at the time of making the decree or at any time afterwards, may, in the event of the decree not being complied with within any time in that behalf limited by the court, order the respondent to make to the petitioner such periodical payments as may be just, and the order may be enforced in the same manner as an order for alimony in proceedings for judicial separation.

(2) The court may, if it thinks fit, order that the husband shall, to the satisfaction of the court, secure to the wife the periodical payments, and for that purpose may direct that it shall be referred to one of the conveyancing counsel of the court to settle and approve a proper deed or instrument to be executed by all necessary parties.

Legitimacy Declarations.

Declaration of legitimacy, &c.

188.—(1) Any person who is a natural-born subject of His Majesty, or whose right to be deemed a natural-born subject of His Majesty depends wholly or in part on his legitimacy or on the validity of any marriage, may, if he is domiciled in England or Northern Ireland or claims any real or personal estate situate in England, apply by petition to the court for a decree declaring that the petitioner is the legitimate child of his parents, and that the marriage of his father and mother or of his grandfather and grandmother was a valid marriage or that his own marriage was a valid marriage.

(2) Any person who is so domiciled or claims as aforesaid, may apply to the court for a decree declaring his right to be deemed a natural-born subject of His Majesty.

(3) Applications under subsections (1) and (2) of this section may be included in the same petition and on any such application the court shall make such decree as the court thinks just, and the decree shall be binding on His Majesty and all other persons whatsoever:

Provided that the decree of the court shall not prejudice any person—

(i) if it is subsequently proved to have been obtained by fraud or collusion; or

(ii) unless that person has been cited or made a party to the proceedings or is the heir-at-law, next of kin, or other real or personal representative of, or derives title under or through, a person so cited or made a party.

(4) A copy of every petition under this section and of any affidavit accompanying the petition shall be delivered to the Attorney-General at least one month before the petition is presented or filed, and the Attorney-General shall be a respondent on the hearing of the

petition and on any subsequent proceedings relating thereto.

(5) In any application under this section such persons shall, subject to rules of court, be cited to see proceedings or otherwise summoned as the court shall think fit, and any such persons may be permitted to become parties to the proceedings and to oppose the application.

(6) The provisions of this Act relating to matrimonial causes shall, so far as applicable, extend to any proceedings under this section.

(7) No proceedings under this section shall affect any final judgment or decree already pronounced or made by any court of competent jurisdiction.

Miscellaneous.

Damages.

189.—(1) A husband may on a petition for divorce or for judicial separation or for damages only, claim damages from any person on the ground of adultery with the wife of the petitioner.

(2) A claim for damages on the ground of adultery shall, subject to the provisions of any enactment relating to trial by jury in the court, be tried on the same principles and in the same manner as actions for criminal conversation were tried immediately before the commencement of the Matrimonial Causes Act, 1857, and the provisions of this Act with reference to the hearing and decision of petitions shall so far as may be necessary apply to the hearing and decision of petitions on which damages are claimed.

(3) The court may direct in what manner the damages recovered on any such petition are to be paid or applied, and may direct the whole or any part of the damages to be settled for the benefit of the children, if any, of the marriage, or as a provision for the maintenance of the wife.

Alimony.

190.—(1) The court may, if it thinks fit, on any decree for divorce or nullity of marriage, order that the husband shall, to the satisfaction of the court, secure to the wife such gross sum of money or annual sum of money for any term, not exceeding her life, as having regard to

her fortune, if any, to the ability of her husband and to the conduct of the parties, the court may deem to be reasonable, and the court may for that purpose order that it shall be referred to one of the conveyancing counsel of the court to settle and approve a proper deed or instrument, to be executed by all the necessary parties, and may, if it thinks fit, suspend the pronouncing of the decree until the deed or instrument has been duly executed.

(2) In any such case as aforesaid the court may, if it thinks fit, by order, either in addition to or instead of an order under subsection (1) of this section, direct the husband to pay to the wife during the joint lives of the husband and wife such monthly or weekly sum for her maintenance and support as the court may think reasonable:

Provided that—

(*a*) if the husband, after any such order has been made, becomes from any cause unable to make the payments, the court may discharge or modify the order, or temporarily suspend the order as to the whole or any part of the money ordered to be paid, and subsequently revive it wholly or in part as the court thinks fit; and

(*b*) where the court has made any such order as is mentioned in this subsection and the court is satisfied that the means of the husband have increased, the court may, if it thinks fit, increase the amount payable under the order.

(3) On any petition for divorce or nullity of marriage the court shall have the same power to make interim orders for the payment of money by way of alimony or otherwise to the wife as the court has in proceedings for judicial separation.

(4) Where any decree for restitution of conjugal rights or judicial separation is made on the application of the wife, the court may make such order for alimony as the court thinks just.

(5) In all cases where the court makes an order for alimony, the court may direct the alimony to be paid

either to the wife or to a trustee approved by the court on her behalf, and may impose such terms or restrictions as the court thinks expedient, and may from time to time appoint a new trustee if for any reason it appears to the court expedient so to do.

Power of court to order settlement of wife's property.

191.—(1) If it appears to the court in any case in which the court pronounces a decree for divorce or for judicial separation by reason of the adultery of the wife that the wife is entitled to any property either in possession or reversion, the court may, if it thinks fit, order such settlement as it thinks reasonable to be made of the property, or any part thereof, for the benefit of the innocent party, and of the children of the marriage or any or either of them.

Any instrument made under any order of the court made under this section shall be valid and effectual, notwithstanding the existence of coverture at the time of the execution thereof.

(2) Where the application for restitution of conjugal rights is by the husband, and it appears to the court that the wife is entitled to any property, either in possession or reversion, or is in receipt of any profits of trade or earnings, the court may, if it thinks fit, order a settlement to be made to the satisfaction of the court of the property or any part thereof for the benefit of the petitioner and of the children of the marriage or either or any of them or may order such part of the profits of trade or earnings, as the court thinks reasonable, to be periodically paid by the respondent to the petitioner for his own benefit, or to the petitioner or any other person for the benefit of the children of the marriage, or either or any of them.

Power of court to make orders as to application of settled property.

192. The court may after pronouncing a decree for divorce or for nullity of marriage enquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders with reference to the application of the whole or any part of the property settled either for the benefit of the children of the marriage or of the parties to the marriage, as the court thinks fit, and the court may exercise the powers conferred by this subsection notwithstanding that there are no children of the marriage.

Custody of children.

193.—(1) In any proceedings for divorce or nullity of marriage or judicial separation, the court may from time to time, either before or by or after the final decree, make such provision as appears just with respect to the custody, maintenance and education of the children, the marriage of whose parents is the subject of the proceedings, or, if it thinks fit, direct proper proceedings to be taken for placing the children under the protection of the court.

(2) On an application made in that behalf the court may, at any time before final decree, in any proceedings for restitution of conjugal rights, or, if the respondent fails to comply therewith, after final decree, make from time to time all such orders and provisions with respect to the custody, maintenance and education of the children of the petitioner and respondent as might have been made by interim orders if proceedings for judicial separation had been pending between the same parties.

Wife's property in case of judicial separation.

194.—(1) In every case of judicial separation—

(*a*) the wife shall, as from the date of the decree and so long as the separation continues, be considered as a feme sole with respect to any property which she may acquire or which may devolve upon her, and any such property may be disposed of by her in all respects as a feme sole and if she dies intestate shall devolve as if her husband had been then dead; and

(*b*) the wife shall, during the separation, be considered as a feme sole for the purpose of contract and wrongs and injuries, and of suing and being sued, and the husband shall not be liable in respect of her contracts or for any wrongful act or omission by her or for any costs she incurs as plaintiff or defendant:

Provided that—

(i) where on any judicial separation alimony has been ordered to be paid and has not been duly paid by the husband, he shall be liable for necessaries supplied for the use of the wife:

(ii) if the wife returns to cohabitation with her husband, any property to which she is entitled at the date of her return shall, subject to any agreement in writing made between herself and her husband while separate, be her separate property:

(iii) nothing in this section shall prevent the wife from joining at any time during the separation in the exercise of any joint power given to herself and her husband.

(2) In any case where the decree for judicial separation is obtained by the wife, any property to which she is entitled for an estate in remainder or reversion at the date of the decree, and any property to which she becomes entitled as executrix, administratrix or trustee after the date of the decree, shall be deemed to be property to which this section applies, and for the purpose aforesaid the death of the testator or intestate shall be deemed to be the date when the wife became entitled as executrix or administratrix.

Protection of third parties.

195.—(1) Where a wife obtains a decree for judicial separation, the decree shall, so far as may be necessary for the protection of any person dealing with the wife, be valid and effectual until discharged, and the discharge or variation of the decree shall not affect any rights or remedies which any person would have had, if the decree had not been discharged or varied, in respect of any debts, contracts or acts of the wife incurred, entered into or done during the period between the date of the decree and the discharge or variation thereof.

(2) Any person who, in reliance on any such decree as aforesaid, makes any payment to or permits any transfer or act to be made or done by the wife, shall, notwithstanding the subsequent discharge or variation of the decree, or the fact that the separation has ceased or has been discontinued, be protected and indemnified in the same way in all respects as if at the time of the payment, transfer or other act the decree were valid and still subsisting without variation in full force and effect, or the separation had not ceased or been discontinued, as the case may be, unless at that time that person had notice of the discharge or variation of

the decree or that the separation had ceased or been discontinued.

Power to vary orders.

196. The court may from time to time vary or modify any order for the periodical payment of money made under the provisions of this Act relating to matrimonial causes and matters either by altering the times of payment or by increasing or diminishing the amount, or may temporarily suspend the order as to the whole or any part of the money ordered to be paid, and subsequently revive it wholly or in part, as the court thinks just.

Power to allow intervention on terms.

197. In every case in which any person is charged with adultery with any party to a suit or in which the court may consider, in the interest of any person not already a party to the suit, that that person should be made a party to the suit, the court may, if it thinks fit, allow that person to intervene upon such terms, if any, as the court thinks just.

Evidence.

198. The parties to any proceedings instituted in consequence of adultery and the husbands and wives of the parties shall be competent to give evidence in the proceedings, but no witness in any such proceedings, whether a party thereto or not, shall be liable to be asked or be bound to answer any question tending to show that he or she has been guilty of adultery unless he or she has already given evidence in the same proceedings in disproof of the alleged adultery.

Power of Secretary of State to order records to be transmitted from ecclesiastical courts.

199.—(1) A Secretary of State may order any judge, registrar or other officer of any ecclesiastical court in England or the Isle of Man, or any other person having the public custody or control of any records, books, documents or other instruments relating to matrimonial causes and matters, to transmit the same at such times, and in such manner, and to such places in London or Westminster, and subject to such regulations, as the Secretary of State may appoint.

(2) If any person wilfully disobeys an order made under this section he shall for the first offence forfeit the sum of one hundred pounds to be recoverable as a debt in the court by any registrar of the principal probate registry, and for a second or any subsequent offence the court may, by a warrant of committal countersigned by a Secretary of State, commit the person

so offending to prison for any period not exceeding three months.

Seal of court for use in matrimonial causes.

200.—(1) The seal of the court to be used in respect of its jurisdiction in matrimonial causes and matters shall be such as the Lord Chancellor may from time to time direct.

(2) All decrees and orders of the court, or copies thereof, made in pursuance of the said jurisdiction shall, if purporting to be sealed with the said seal, be received in evidence in all parts of the United Kingdom without further proof.

PART IX.

JURISDICTION OF INFERIOR COURTS.

Power by Order in Council to confer jurisdiction on inferior courts.

201. His Majesty may from time to time by Order in Council confer on any inferior court of civil jurisdiction the same jurisdiction in equity and in admiralty respectively as any county court has, and that jurisdiction, if and when conferred, shall be exercised in manner directed by this Act.

Powers of inferior courts having equity and admiralty jurisdiction.

202. Every inferior court which has jurisdiction in equity, or at law and in equity, and in admiralty respectively, shall, as regards all causes of action within its jurisdiction for the time being, grant in any proceeding before it such relief, redress or remedy, or combination of remedies, either absolute or conditional, and shall in every such proceeding give such and the like effect to every ground of defence or counter-claim, equitable or legal (subject to the provisions of the next following section), as ought to be granted or given in the like case by the High Court and in as full and ample a manner.

Counter-claims in inferior courts, and transfers therefrom.

203. Where in any proceeding before any such inferior court any defence or counter-claim of the defendant involves matter beyond the jurisdiction of the court, the defence or counter-claim shall not affect the competence or the duty of the court to dispose of the whole matter in controversy so far as relates to the demand of the plaintiff and the defence thereto, but no relief exceeding that which the court has jurisdiction to

administer shall be given to the defendant upon any such counter-claim:

Provided that—

(1) It shall be lawful for the High Court, or any Division or judge thereof, if it be thought fit, on the application of any party to the proceeding, to order that the whole proceeding be transferred from the inferior court to the High Court or to any Division, and in such case the record in the proceeding shall be transmitted by the registrar or other proper officer of the inferior court to the High Court, and the proceeding shall thenceforth be continued and prosecuted in the High Court as if it had been originally commenced therein:

(2) The jurisdiction of an inferior court in cases of counter-claim shall not be excluded—

(*a*) by reason that the counter-claim involves matter not within the local jurisdiction of that court, but within the jurisdiction of any other inferior court in England; or

(*b*) where the counter-claim involves two or more causes of action as to each of which the defendant might have maintained a separate action and each of which is within the jurisdiction of the court, by reason that the aggregate amount of the counter-claim exceeds the jurisdiction of the court; or

(*c*) by reason that the counter-claim is for an amount of money exceeding the jurisdiction of the court, unless the plaintiff, within the prescribed time, objects in writing to relief being given by the court in excess of the relief which the court would before the twenty-fourth day of October, eighteen hundred and eighty-four, have had jurisdiction to administer:

(3) In any case where the counter-claim involves matter beyond the jurisdiction of the court, the court, notwithstanding the provisions of this section, may, on such terms, if any, as the court thinks just, either adjourn the hearing of the case or stay execution on the judgment

for such time as may be necessary to enable any party to apply to remove the proceedings into the High Court or to enable the defendant to take proceedings in a court of competent jurisdiction for the purpose of establishing his counter-claim, and in default of any such application being made or any such action being brought, the court shall, after the expiration of the time limited, have jurisdiction to hear and determine the whole matter in controversy to the same extent as if all parties had consented thereto.

Power to transfer interpleader proceedings to county court.

204. If it appears to the court or a judge that any proceeding in the High Court by way of interpleader, in which the amount or value of the matter in dispute does not exceed the sum of five hundred pounds, may be more conveniently tried and determined in a county court, the court or judge may at any time order the transfer thereof to any county court in which an action or proceeding might have been brought by any party to the interpleader against any other party thereto if there had been a trust to be executed concerning the matter in question, and every such order shall have the same effect as if it had been for the transfer of an action or matter under section sixty-nine of the County Courts Act, 1888, as amended by section four of the County Courts Act, 1919, and the county court shall have jurisdiction and authority to proceed therein, as may be prescribed by county court rules.

51 & 52 Vict. c. 43.
9 & 10 Geo. 5. c. 73.

Transfer to county court of money recovered in High Court by infants, &c.

205.—(1) Where in any cause or matter in the King's Bench Division or in an admiralty action in the Probate Division money is in any manner recovered by or on behalf of, or adjudged or ordered to be paid to or for the benefit of, a person who is an infant or of unsound mind, the High Court or a judge may order the money or any part thereof to be paid into or transferred to the county court of the district in which that person resides or such other county court as the High Court or judge may order, and the money or the part thereof to which the order relates shall thereupon be paid or transferred accordingly, and shall, subject to any special order or direction of the High Court or a judge and to county court rules, be invested, applied or otherwise dealt with for the benefit of that person in such manner as the county court in its discretion thinks fit.

(2) The provisions of this section shall apply to money which in proceedings under the Fatal Accidents Acts, 1846 to 1908, is recovered by or adjudged or ordered to be paid to the widow of the person killed as they apply to money recovered by or adjudged or ordered to be paid to an infant.

(3) The Lord Chancellor may, with the concurrence of the Treasury, by order prescribe the fees to be charged in respect of the payment and investment of money or the application thereof or dealing therewith under this section.

(4) Where before the first day of October, nineteen hundred and twenty-five, money recovered in any cause or matter in the King's Bench Division by or on behalf of a person who is an infant or of unsound mind has been paid to the Public Trustee, it shall be lawful for the Public Trustee to pay that money, or so much of it as remains in his possession into the county court of the district in which that person resides, and money so transferred shall be invested, applied or dealt with in the same manner as if it had been paid into the county court under subsection (1) of this section.

(5) County court rules may be made for the purpose of carrying into effect the provisions of this section so far as they relate to the receipt of money into county courts and the investment thereof or application thereof or dealing therewith and the duties of registrars of county courts, and any such rules may provide for the transfer of money paid into a county court under this section or the investment representing any such money from one county court to another.

(6) Any order made by the Lord Chancellor under this section may be revoked, varied or amended by a subsequent order so made.

Rules for inferior courts.

206. Where by virtue of any statute or charter or otherwise powers of making rules and orders for regulating the procedure or practice of or the costs or fees in any inferior court of civil jurisdiction are given to or have been exercised by the judge of any such court or any other person, either solely or jointly with any other person, and either with or without the concurrence of any judge of the Supreme Court or any other person, any rules or orders made by virtue of any

of those powers shall be subject to the concurrence of the authority for the time being empowered to make rules of court under this Act:

Provided that the same authority may alter or annul any rule or order made before the twenty-fourth day of October, eighteen hundred and eighty-four, as to the matters aforesaid in any such court.

Power to apply Act and rules.

207. His Majesty may from time to time by Order in Council extend to any inferior court of civil jurisdiction any of the provisions of this Act relating to practice or procedure or of the rules of the Supreme Court with such modifications as may be necessary or desirable.

Appeal from inferior court of record.

208. His Majesty may from time to time by Order in Council direct that the enactments relating to appeals from county courts shall apply to any other inferior court of record, and those enactments, subject to any exceptions, conditions and limitations contained in the Order, shall apply accordingly as from the date mentioned in the Order.

Application of certain repealed enactments in local courts. 46 & 47 Vict. c. 49.

209. If and in so far as any enactment repealed by the Statute Law Revision and Civil Procedure Act, 1883, applies, or may have been applied by Order in Council, to the Court of the County Palatine of Lancaster, or to any inferior court of civil jurisdiction, that enactment shall be construed as if it were contained in a local and personal Act specially relating to that court, and shall have effect accordingly.

PART X.

MISCELLANEOUS PROVISIONS.

Council of judges to consider operation of Act, &c.

210.—(1) A council of the judges of the Supreme Court, of which due notice shall be given to all the said judges, shall assemble once at least in every year, on such day or days as shall be fixed by the Lord Chancellor with the concurrence of the Lord Chief Justice, for the purpose of considering the operation of this Act and of any rules of court, and also the working of the several offices and the arrangements relative to the duties of the officers of the Supreme Court, and of enquiring and examining into any defects which may appear to exist in the system of procedure or the administration of the law in the High Court or the Court of Appeal, or in any other

court from which any appeal lies to the High Court or any judge thereof or to the Court of Appeal.

(2) The said council shall report annually to a Secretary of State what amendments or alterations, if any, it would in their judgment be expedient to make in this Act, or otherwise relating to the administration of justice, and what other provisions, if any, which cannot be carried into effect without the authority of Parliament it would be expedient to make for the better administration of justice.

(3) The Lord Chancellor may convene at any time an extraordinary council of the judges.

Lords Commissioners to represent Lord Chancellor when Great Seal in commission.

211. When the Great Seal is in commission, the Lords Commissioners shall represent the Lord Chancellor for the purposes of this Act:

Provided that the powers vested in the Lord Chancellor by this Act in relation to—

(*a*) the presidency of the Court of Appeal;

(*b*) the appointment or approval of officers;

(*c*) the approval of any order for the removal of officers;

(*d*) any other act to which the concurrence or presence of the Lord Chancellor is by this Act made necessary;

may be exercised by the senior Lord Commissioner for the time being.

Provision as to laying Orders in Council, rules and regulations before Parliament.

212. Every Order in Council, (other than an Order in Council altering the number of the Divisions or of the judges attached to any Division), rule (other than a rule made in pursuance of the provisions of this Act for facilitating the production of documents filed in or in the custody of the central office) or regulation made under this Act and by this Act required to be laid before Parliament shall be laid before each House of Parliament within one month after it is made, if Parliament is then sitting, or, if Parliament is not then sitting, within one month after the commencement of the next session of Parliament, and if either House before the expiration of forty days on which that House has sat next after the Order in Council, rule or regulation is laid before it presents an address to His Majesty praying

that the Order in Council, rule or regulation may be annulled, His Majesty may by Order in Council annul it, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Fixing of fees in High Court and Court of Appeal.

213.—(1) Subject to the provisions of this Act, the Lord Chancellor, with the advice and consent of the judges of the Supreme Court or any three of them, and with the concurrence of the Treasury, may by order fix the fees and percentages to be taken in the High Court or in the Court of Appeal or in any court created by any commission or in any office which is connected with any of those courts, or in which any business connected with any of those courts is conducted, or by any officer paid wholly or partly out of public moneys who is attached to any of those courts or the Supreme Court or any judge of those courts, and may from time to time by order increase, reduce or abolish all or any of such fees and percentages, and appoint new fees and percentages to be taken in the said courts or offices or any of them, or by any such officer as aforesaid.

(2) Provision for imposing or fixing the amount of any fees to be taken in connection with proceedings in the Supreme Court which might before the commencement of the Administration of Justice Act, 1925, have been imposed or fixed by rules of court may, except in the case of the fees to be taken in connection with non-contentious probate business, be imposed or fixed by means of orders under this section.

(3) Any order made in pursuance of this section shall have effect as if enacted in this Act.

(4) The Treasury, with the concurrence of the Lord Chancellor, may make such rules as they may think fit for publishing the amount of the fees.

(5) An order under this section may abolish any former fees and percentages which may be taken in the said courts or offices, or any of them, or by the said officers or any of them, but, subject to the provisions of any order made in pursuance of this section, the former fees and percentages shall continue to be taken, applied and accounted for in the same manner as formerly.

Annual account of fees and expenditure.

214.—(1) The Lord Chancellor shall cause to be prepared annually an account for the year ending the thirty-first day of March, showing the receipts and expenditure during the preceding year in respect of the High Court and the Court of Appeal, and of any court, office or officer, the fees taken in which or by whom can be fixed in pursuance of this Act.

(2) The account shall be made out in such form and contain such particulars as the Treasury, with the concurrence of the Lord Chancellor, may from time to time direct.

(3) Every officer by whom or in whose office fees are taken which can be fixed in pursuance of this Act shall make such returns and give such information as the Lord Chancellor may from time to time require for the purpose of enabling him to make out the said account.

(4) The said account shall be laid before both Houses of Parliament within one month after the thirty-first day of March in each year, if Parliament is then sitting, or if Parliament is not then sitting, within one month after the next meeting of Parliament.

Provisions as to solicitors.

215.—(1) Any person duly admitted as a solicitor of the Supreme Court shall be an officer of the Court, and the High Court and the Court of Appeal respectively, or any Division or judge thereof, may exercise the same jurisdiction in respect of solicitors as any one of Her late Majesty's superior courts of law or equity might formerly have exercised in respect of any solicitor, attorney or proctor admitted to practice therein.

(2) References in any enactment to solicitors, attorneys or proctors, shall be construed as references to solicitors of the Supreme Court, and the officer formerly known as the registrar of attorneys and solicitors shall be called the registrar of solicitors.

(3) The powers relating to solicitors vested in the Master of the Rolls jointly with any other judge by the Solicitors Act, 1843, the Solicitors Act, 1860, and the Solicitors Act, 1877, and any Act amending those Acts, shall be vested in the Master of the Rolls, with the concurrence of the Lord Chancellor and the Lord Chief Justice, or (in case of difference) of one of them, and anything required by those Acts to be done to or before

6 & 7 Vict. c. 73.
23 & 24 Vict. c. 127.
40 & 41 Vict. c. 25.

any judge jointly with the Master of the Rolls, may be done to or before the Master of the Rolls, the Lord Chancellor and the Lord Chief Justice.

Fees of commissioners for oaths and registrar of solicitors.

216.—(1) Such fees shall be chargeable—

(*a*) by commissioners for oaths in respect of the administration of an oath or the taking of an affidavit; and

(*b*) by the registrar of solicitors in respect of the registration under section thirty of the Solicitors Act, 1860, of any authority or appointment;

23 & 24 Vict. c. 127.

as may be prescribed by the Lord Chancellor by order made with the concurrence of the Lord Chief Justice and the Master of the Rolls.

(2) Any order made under this section may be revoked or varied by a subsequent order so made.

(3) In this section the expression "affidavit" has the same meaning as in the Commissioners for Oaths Act, 1889.

52 & 53 Vict. c. 10.

Conveyancing counsel of court.

217.—(1) The conveyancing counsel of the court shall be conveyancing counsel in actual practice who have practised as such for ten years at least.

(2) The conveyancing counsel of the court shall not be less than six in number and shall be appointed by the Lord Chancellor.

(3) Business shall be distributed among the conveyancing counsel in such order and manner as the Lord Chancellor thinks fit.

Enrolment and engrossment of instruments.

218.—(1) The Master of the Rolls may, subject to the provisions of this section, make regulations—

(*a*) for authorising and regulating the enrolment or filing of deeds in the Supreme Court and for prescribing the form in which certificates of enrolment or filing are to be granted; and

(*b*) prescribing the fees to be paid on the enrolment or filing of any deed, including any additional fees payable on the enrolment or filing of any deed out-of-time:

Provided that regulations shall not be made under paragraph (*a*) of this subsection so as to affect or prejudice in any manner the operation of any enactment requiring

or authorising the enrolment in the Supreme Court of any deed or prescribing the manner in which any deed is to be so enrolled, and shall not be made under paragraph (*b*) of this subsection without the concurrence of the Treasury.

(2) Any instrument which is required or authorised under or in pursuance of the provision of any enactment to be enrolled or engrossed or enrolled and engrossed in any manner in the Supreme Court shall be deemed to have been duly enrolled, engrossed, or enrolled and engrossed in accordance with those provisions if it is written on such material and has been filed or otherwise preserved in such manner as the Master of the Rolls may by order direct.

(3) Every regulation made under this section shall be laid before Parliament.

(4) In this section the expression "deeds" includes assurances and other instruments.

Deposit of original instruments creating powers of attorney.

219.—(1) An instrument creating a power of attorney, the execution of which has been verified by affidavit, statutory declaration or other sufficient evidence, may, with the affidavit or declaration, if any, be deposited in the central office.

(2) A separate file of instruments so deposited shall be kept, and any person may search that file, and inspect every instrument so deposited, and an office copy thereof shall be delivered out to him on request.

(3) A copy of an instrument so deposited may be presented at the office, and may be stamped or marked as, and when so stamped and marked shall become, an office copy.

(4) An office copy of an instrument so deposited shall without further proof be sufficient evidence of the contents of the instrument and of the deposit thereof in the central office.

(5) Rules of court may be made for the purposes of this section regulating the practice of the central office and prescribing, with the concurrence of the Treasury, the fees to be taken therein.

Provision for facilitating production of documents filed in or in

220.—(1) Rules may be made under this section for providing that, in any case where a document filed in or in the custody of any department of the central office is required to be produced to any court or tribunal (including an umpire or arbitrator) sitting elsewhere than

custody of central office.

at the Royal Courts of Justice, it shall not be necessary for an officer of the department, whether served with a subpœna in that behalf or not, to attend for the purpose of producing the document, and that the document may be produced to the court or tribunal by sending it by registered post, together with a certificate in the form prescribed by the rules to the effect that the document has been filed in, or is in the custody of, the department, to such judge or officer of the court as may be so prescribed, and any such certificate shall be prima facie evidence of the facts stated therein.

(2) Rules made under this section may contain provisions for securing the safe custody and return to the proper department of the central office of any document sent to a court or tribunal in pursuance of the rules, and such other provisions as appear to the rule-making authority necessary or expedient for carrying this section into effect.

(3) Rules for the purposes of this section may be made by the Lord Chancellor, the Lord Chief Justice and the senior master of the Supreme Court (King's Bench Division), and all such rules shall be laid before Parliament.

Power of masters to sell by auction under order of High Court without licence. 8 & 9 Vict. c. 15.

221. Any master of the Supreme Court (Chancery Division), or any person appointed in that behalf by any such master, may, without any licence as an auctioneer and without being liable to the duty imposed by the Auctioneers Act, 1845, or any other Act in force at the commencement of this Act, sell under the order of the High Court any goods or chattels, lands, tenements or hereditaments, or any interests therein.

Name of Law Courts. 28 & 29 Vict. c. 48. 28 & 29 Vict. c. 49.

222. The buildings erected under the Courts of Justice Building Act, 1865, and the Courts of Justice Concentration (Site) Act, 1865, together with all additions thereto, shall be styled "The Royal Courts of Justice."

Presentation and swearing of Lord Mayor of London.

223. The presentation and swearing of the Lord Mayor of the City of London shall take place in the King's Bench Division, or before the judges of that Division, on the ninth day of November in every year, or, if that day is a Sunday, on the day following, and in the same manner as was formerly accustomed in the Court of Exchequer.

Acts relating to former courts to be read as applying to courts under this Act.

224.—(1) All Acts relating to the several courts and judges whose jurisdiction is vested in the High Court and the Court of Appeal respectively, or wherein any of those courts or judges are referred to, shall be construed and have effect as if the High Court or the Court of Appeal and the judges thereof respectively, as the case may be, had been referred to therein instead of the first-mentioned courts or judges, and all statutes, charters and other instruments in which Westminster is described or referred to as the locality of the said courts shall be construed as if the Royal Courts of Justice had been so described or referred to.

(2) In all cases not hereby expressly provided for in which under any such Act as aforesaid the concurrence or the advice or consent of the judge, or of any of the judges, of any one or more of the courts whose jurisdiction is vested in the High Court is required for the exercise of any power or authority, that power or authority may be exercised by and with the concurrence, advice or consent of the same or a like number of judges of the High Court.

Interpretation of terms.

225. In this Act, unless the context otherwise requires the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"Action" means a civil proceeding commenced by writ or in such other manner as may be prescribed by rules of court, but does not include a criminal proceeding by the Crown:

"The Act of 1873" means the Supreme Court of Judicature Act, 1873: 36 & 37 Vict. c. 66.

"Cause" includes any action, suit or other original proceeding between a plaintiff and defendant, and any criminal proceeding by the Crown:

"Clerk of assize" includes the clerk of the Crown and associate on circuit and any other office the duties of which may be performed by the clerk of assize:

"Commission of assize" includes a commission of assize, a commission of oyer and terminer and a commission of gaol delivery, and any commission in lieu thereof issued under this Act:

"County" includes a county of a city or county of a town and any division of any county constituted by any Order in Council made under the provisions of this Act relating to assizes, and the sheriff for a county so divided shall, for the purpose of those provisions be deemed to be the sheriff for the division of the county:

"Defendant" includes any person served with any writ of summons or process, or served with notice of, or entitled to attend, any proceedings:

"Division" means Division of the High Court:

"Formerly" means immediately before the date of the commencement of the Act of 1873, that is to say, the first day of November, eighteen hundred and seventy-five, and the expression "former" shall be construed accordingly:

"Inferior court" includes a county court as well as any other inferior court:

"Judgment" includes decree:

"Lord Chief Justice" means Lord Chief Justice of England:

"Matrimonial cause" means any action for divorce, nullity of marriage, judicial separation, jactitation of marriage or restitution of conjugal rights:

"Matter" includes every proceeding in court not in a cause:

"Officer of the Supreme Court" in the provisions of this Act relating to the salaries and pensions of officers includes officer in lunacy:

"Party" includes every person served with notice of or attending any proceeding, although not named on the record:

"Petitioner" includes every person making any application to the court, either by petition, motion or summons, otherwise than as against any defendant:

"Plaintiff" includes every person asking any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether the proceeding is by action, suit, petition, motion, summons or otherwise:

"Pleading" includes any petition or summons, and also includes the statements in writing of the claim or demand of any plaintiff, and of the defence of any defendant thereto, and of the reply of the plaintiff to any counter-claim of a defendant:

"Prescribed" means prescribed by rules of court:

"Probate Division" means the Probate, Divorce and Admiralty Division:

"Rules of court" includes forms:

"Solicitor" means solicitor of the Supreme Court:

"Spring assizes" means any court of assize held in March, April or May:

"Suit" includes action:

"United Kingdom" means, in relation to anything done before the date of the constitution of the Irish Free State, Great Britain and Ireland, and in relation to anything done or to be done after that date, Great Britain and Northern Ireland:

"Winter assizes" means any court of assize held in September, October, November, December or January.

Repeal and savings.

226.—(1) The enactments set out in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, subject as in this Act otherwise expressly provided and without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889:— 52 & 53 Vict. c. 63.

(*a*) Nothing in this repeal shall affect any Order in Council, rule, order or regulation made, commission issued, direction given, or thing done, under any enactment repealed by this Act, or deemed to have been made, issued, given or done respectively under any such enactment, and every such Order, rule, order, regulation, commission or direction shall continue in force, and, so far

as it could have been made, issued or given under this Act, shall have effect as if made, issued or given under this Act:

(*b*) Nothing in this repeal shall affect any right of appointment vested in any judge or circuit officer or in the Master of the Rolls as Keeper of the Records:

(*c*) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or to the corresponding enactment in this Act.

(2) Any person holding office or serving, or deemed to be serving, under any enactment repealed by this Act, shall continue in office or service as if he had been appointed under this Act, and nothing in this repeal shall affect the terms and conditions on and subject to which any person held office immediately before the commencement of this Act or prejudice or affect any right to pension, compensation or allowance which a person would otherwise have had on the abolition of, or on retirement from, his office or otherwise, or the amount thereof.

(3) References in any enactment or document to the Supreme Court, Court of Appeal or High Court constituted under the Judicature Acts, 1873 to 1910, or to the Divisions or offices thereof, shall be construed respectively as references to the Supreme Court, Court of Appeal, or High Court constituted under this Act, or the Divisions or offices thereof, and any act done or proceedings taken in respect of any cause or matter whatsoever before the commencement of this Act in the Supreme Court constituted under the Judicature Acts, 1873 to 1910, shall be deemed to have been done or taken in the Supreme Court constituted under this Act.

(4) Nothing in this Act shall affect the office of marshal attending any commissioner of assize.

(5) Save as therein otherwise expressly provided, nothing in this Act shall affect the operation of any enactment which is in force at the commencement of this Act and is not expressly repealed by this Act.

Short title and commencement.

227.—(1) This Act may be cited as the Supreme Court of Judicature (Consolidation) Act, 1925.

(2) This Act shall come into force on the first day of January, nineteen hundred and twenty-six.

SCHEDULES.

FIRST SCHEDULE.

Section 99.

ENACTMENTS CONTAINING AND REGULATING MATTERS WITH RESPECT TO WHICH RULES OF COURT MAY BE MADE.

Session and Chapter.	Title or Short Title.	Enactments affected.
4 Will. & Mar. c. 18.	An Act to prevent malicious informations in the Court of King's Bench.	The whole Act so far as unrepealed.
8 & 9 Will. 3. c. 11.	An Act for the better preventing of frivolous and vexatious suits.	The whole Act so far as unrepealed.
4 & 5 Anne c. 3.	An Act for the Amendment of the Law and the better Advancement of Justice.	Sections twelve and thirteen.
7 Geo. 2. c. 20	The Mortgage Act, 1733.	The whole Act.
39 & 40 Geo. 3. c. 36.	The Transfer of Stock Act, 1800.	The whole Act so far as unrepealed.
10 Geo. 4. c. 13.	The Court Funds Act, 1829.	The whole Act so far as unrepealed.
11 Geo. 4. & 1 Will. 4. c. 36.	The Contempt of Court Act, 1830.	The whole Act so far as unrepealed.
2 & 3 Will. 4. c. 58.	The Contempt of Court Act, 1832.	The whole Act so far as unrepealed.
3 & 4 Will. 4. c. 42.	The Civil Procedure Act, 1833.	Sections sixteen and eighteen.
1 & 2 Vict. c. 110.	The Judgments Act, 1838.	Sections fourteen and fifteen.
3 & 4 Vict. c. 65.	The Admiralty Court Act, 1840.	Sections seven, eight, and nine.
3 & 4 Vict. c. 82.	The Judgments Act, 1840.	The whole Act so far as unrepealed.

1ST SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Enactments affected.
5 Vict. c. 5 -	The Court of Chancery Act, 1841.	Section four.
5 & 6 Vict. c. 86.	The Exchequer Court Act, 1842.	The whole Act so far as unrepealed.
5 & 6 Vict. c. 97.	The Limitations of Actions and Costs Act, 1842.	Sections four and five.
12 & 13 Vict. c. 109.	The Petty Bag Act, 1849.	The whole Act so far as unrepealed.
15 & 16 Vict. c. 76.	The Common Law Procedure Act, 1852.	Sections one hundred and twenty-six, one hundred and twenty-seven, one hundred and thirty-two, two hundred and ten to two hundred and fourteen, and two hundred and seventeen to two hundred and twenty.
20 & 21 Vict. c. 77.	The Court of Probate Act, 1857.	Sections twenty-four, twenty-six and thirty-one.
20 & 21 Vict. c. 85.	The Matrimonial Causes Act, 1857.	Sections thirty-nine, forty-one to forty-four, forty-six, and forty-nine.
21 & 22 Vict. c. 93.	The Legitimacy Declaration Act, 1858.	Section three.
21 & 22 Vict. c. 95.	The Court of Probate Act, 1858.	Section twenty-three.
21 & 22 Vict. c. 108.	The Matrimonial Causes Act, 1858.	Section thirteen.
23 & 24 Vict. c. 126.	The Common Law Procedure Act, 1860.	Section seventeen.
23 & 24 Vict. c. 149.	The Court of Chancery Act, 1860.	Sections two, three, five, and six.
24 & 25 Vict. c. 10.	The Admiralty Court Act, 1861.	Sections sixteen, eighteen, twenty-five, twenty-six, twenty-eight, thirty-three, and thirty-four.
36 & 37 Vict. c. 66.	The Supreme Court of Judicature Act, 1873.	Sections forty-six, sixty-four, and sixty-six.

SECOND SCHEDULE.

Section 108.

SCHEME FOR ESTABLISHMENT OF DISTRICT PROBATE REGISTRIES.

Group.	Registries.	Sub-registries.
1	Newcastle. Durham. Carlisle.	
2	Leeds. Sheffield. York.	
3	Manchester.	
4	Liverpool. Lancaster.	
5	Chester	Bangor. Shrewsbury.
6	Lincoln Nottingham. Leicester.	Derby.
7	Peterborough. Norwich. Ipswich.	
8	Birmingham Oxford.	Northampton.
9	Cardiff	Hereford. Gloucester. Carmarthen.
10	Bristol Exeter.	Bodmin.
11	Southampton Lewes.	Salisbury.

NOTES.

1. The place first mentioned in the second column of the foregoing Table in relation to each group shall be the chief registry of the group, and the registrar of that place shall by virtue of his office be the registrar of the other registries and of any sub-registries in the group.

2ND SCH. —*cont.*

2. If the President of the Probate Division, with the concurrence of the Lord Chancellor and the Treasury and after consultation with the Council of the Borough of Cardiff, thinks fit so to direct, Llandaff shall be substituted for Cardiff as the chief registry of Group 9.

3. In addition to the places mentioned in the third column of the said Table, there shall be a district probate sub-registry at Canterbury which shall be under the management of the principal probate registry.

THIRD SCHEDULE.

Sections 118, 119, 127, 128.

PART I.

OFFICES IN THE CASE OF WHICH SPECIAL PROVISIONS AS TO APPOINTMENT, RETIREMENT, AND PENSION APPLY.

Permanent Secretary to the Lord Chancellor.
Master of the Supreme Court (King's Bench Division).
Assistant Master of the Supreme Court (King's Bench Division).
Master of the Supreme Court (Chancery Division).
Master of the Supreme Court (Taxing Office).
Master in Lunacy.
Legal Visitor in Lunacy.
Official Referee to the Supreme Court.
Official Solicitor to the Supreme Court.
Registrar, High Court in Bankruptcy.
Taxing Master, High Court in Bankruptcy.
Registrar, Probate Division.

Section 127.

PART II.

OFFICES IN CASE OF WHICH SPECIAL PROVISIONS AS TO RETIREMENT APPLY.

Registrar, Chancery Division.
Medical Visitor in Lunacy.

Section 128.

PART III.

SCALE OF SUPERANNUATION ALLOWANCES IN THE CASE OF THE OFFICERS MENTIONED IN PART I.

1. An annual allowance not exceeding ten-sixtieths of the last annual salary may be granted after the completion of a period of service of five years.

2. Where the period of service completed exceeds five years, there may be granted an annual allowance not exceeding ten-sixtieths of the last annual salary with an addition of one-fortieth of that salary for each completed year's service in excess of five.

3. The maximum allowance shall be two-thirds of the last annual salary.

PART IV.

Section 128.

ALLOWANCES, &C. IN THE CASE OF OFFICERS TO WHOM THE SUPERANNUATION ACT, 1909, APPLIES.

1. The scale of allowances set out in Part III. of this Schedule shall apply to officers who adopt the provisions of this Part of this Schedule, with the substitution for the amounts of the allowances set out in the said Part III. of those amounts reduced by one quarter.

2. The Treasury may on the recommendation of the Lord Chancellor grant, by way of additional allowance to any such officer who retires after having served for not less than five years, in addition to any allowance which may be granted to him under paragraph 1 of this Part of this Schedule, a lump sum equal, where the officer has served for five completed years, to ten-thirtieths of such annual salary, and, where the officer has served for more than five completed years, to ten-thirtieths of such annual salary, with an addition of one-twentieth of such annual salary for each completed year's service in excess of five, so, however, that the additional allowance shall in no case exceed one and a half times the amount of such annual salary:

Provided that—

(*a*) in the case of any officer appointed before the passing of the Superannuation Act, 1909, the amount of the additional allowance shall be increased by one-half per cent. in respect of each completed year which he had served at the date of the passing of that Act; and

(*b*) in the case of an officer retiring after attaining the age of sixty-five years, there shall be deducted from the amount of the additional allowance which would otherwise be payable to him one-twentieth of that amount for every completed year's service subsequent to attaining that age.

3. Where any such officer dies after serving five years or upwards and while still employed in his office, the Treasury may, on the recommendation of the Lord Chancellor, grant to his legal personal representatives a gratuity equal to the annual

3RD SCH. —*cont.*

salary of his office, or equal to the additional allowance calculated in the manner provided by the last preceding paragraph, whichever is the greater:

Provided that the amount of the gratuity which may be so granted shall be reduced by one-twentieth for every completed year's service subsequent to attaining the age of sixty-five years.

4. Where any such officer dies after having become entitled to an annual allowance, and the sums actually received by him up to the time of his death on account of that allowance together with the sum received by him by way of additional allowance are less than the amount of the annual salary of his office, the Treasury, on the recommendation of the Lord Chancellor, may grant to his legal personal representatives a gratuity equal to the difference.

Section 126.

FOURTH SCHEDULE.

QUALIFICATIONS FOR CERTAIN OFFICES IN THE SUPREME COURT.

Office.	Persons qualified for appointment.
1. Permanent Secretary to the Lord Chancellor and Clerk of the Crown.	1.—(i) A practising barrister of not less than ten years' standing; or (ii) A barrister of not less than ten years' standing who has during the ten years immediately preceding his appointment been employed in some legal capacity under the State, or who has during part of that period been employed in such a capacity and during the remainder of that period been in practice as a barrister.
2. Master, King's Bench Division (including the King's Coroner and Attorney and Master of the Crown Office).	2.—(i) A practising barrister of not less than ten years' standing; or (ii) An official referee; or (iii) A master in lunacy.
3. Official Referee -	3.—(i) A practising barriser of not less than ten years' standing; or (ii) A master, King's Bench Division; or (iii) A master in lunacy.

4TH SCH. —*cont.*

Officer.	Person qualified for appointment.
4. Masters in Lunacy	4.—(i) A practising barrister of not less than ten years' standing; or (ii) A master, King's Bench Division; or (iii) An official referee.
5. Registrar in Bankruptcy of the High Court.	5.—A practising barrister or practising solicitor of not less than ten years' standing.
6. Master, Chancery Division.	6.—(i) A practising solicitor of not less than ten years' standing; or (ii) A master, Taxing Office, provided he has been a practising solicitor of not less than ten years' standing; or (iii) The official solicitor to the Supreme Court, provided he has been a practising solicitor of not less than ten years' standing.
7. Master, Taxing Office.	7.—(i) A practising solicitor of not less than ten years' standing; or (ii) An admitted solicitor of not less than ten years' standing who has during the ten years immediately preceding his appointment been employed as deputy or assistant master or as deputy assistant to the official solicitor or as a clerk in the offices of the Royal Courts of Justice, or who has during part of that period been employed as such deputy or assistant or clerk and during the remainder of that period been in practice as a solicitor, provided that there shall at no time be more than one taxing master who shall have been appointed by virtue of the qualification specified in this paragraph; or (iii) A master, Chancery Division; or (iv) The official solicitor to the Supreme Court, provided he has been a practising solicitor of not less than ten years' standing.

4TH SCH. —*cont.*

Officer.	Person qualified for appointment.
8. Legal Visitor in Lunacy.	8. A practising barrister or practising solicitor of not less than ten years' standing.
9. Official Solicitor to the Supreme Court.	9.—(i) A practising solicitor of not less than ten years' standing; or (ii) An admitted solicitor of not less than ten years' standing who has during the ten years immediately preceding his appointment been employed as deputy or assistant master or as deputy or assistant to the official solicitor or as a clerk in the offices of the Royal Courts of Justice, or who has during part of that period been employed as such deputy or assistant or clerk and during the remainder of that period been in practice as a solicitor; or (iii) A master, Chancery Division; or (iv) A master, Taxing Office.

For the purposes of this Schedule, any persons who, having been called to the bar or admitted as solicitors before the fourth day of August, nineteen hundred and fourteen, have practised as barristers or solicitors for a period of, or periods amounting in the aggregate to, not less than ten years shall, if they served in His Majesty's Forces in the late war, be deemed to be practising barristers and practising solicitors respectively.

FIFTH SCHEDULE.

Section 158.

PART I.

TEMPORARY PROVISIONS WITH RESPECT TO GRANTS IN DISTRICT PROBATE REGISTRIES.

1. During such time as this Part of this Schedule continues in operation—

(i) The following shall be substituted for proviso (*b*) to section one hundred and fifty of this Act:—

"(*b*) Where a registrar of the principal probate registry is satisfied by affidavit that the person in

5TH SCH. —*cont.*

respect of whose estate the application for the grant or revocation is made had at the time of his death his fixed place of abode in one of the districts for which there is a district probate registry, and that his personal estate, exclusive of what he was possessed of or entitled to as a trustee and not beneficially, but without any deduction on account of his debts, was at the time of his death under the value of two hundred pounds, and that at that time he was not seised or entitled beneficially of or to any real estate of the value of three hundred pounds or upwards, the judge of the county court having jurisdiction in the said place of abode shall have the jurisdiction of the High Court in respect of any contentious matter arising in connection with the said grant or revocation."

(ii) The following subsections shall be substituted for subsection (1) of section one hundred and fifty-one of this Act:—

"(1) Where it appears by the affidavit of any person making an application to a district probate registrar for the grant of probate or administration that the testator or intestate had at the time of his death a fixed place of abode within the district of the registry in which the application is made, a grant may be made in common form by the district probate registrar in the name of the High Court and under the seal of the registry, and the grant shall have effect over the personal estate of the deceased, and, subject to the provisions of this Part of this Act, over the real estate of the deceased, in all parts of England.

(2) The place of abode must be stated in the affidavit.

(3) The affidavit shall be conclusive for the purpose of authorising the grant by the district probate registrar, and the grant—

(*a*) shall not be liable to be recalled, revoked, or otherwise impeached by reason that the deceased had no fixed place of abode within the district at the time of his death; and

(*b*) shall effectually discharge and protect all persons paying to or dealing with any executor or administrator thereunder, notwithstanding the want of, or any defect in, the affidavit required under this section."

5TH SCH. —*cont.*

(iii) The following subsection shall be added to section one hundred and fifty-three of this Act:—

"(2) Where a second or subsequent grant is made in a district probate registry, it shall not be necessary to show by affidavit that the testator or intestate had a fixed place of abode within the district in which the application is made."

(iv) The following subsection shall be added to section one hundred and fifty-four of this Act:—

"(3) On a caveat being entered in the principal probate registry, notice thereof shall be given to the district probate registrar of any district in which it is alleged that the deceased resided at the time of his decease, and to any other district probate registrar to whom it is in the opinion of the principal probate registrar expedient that notice of the entry of the caveat should be sent."

2. This Part of this Schedule shall cease to have effect on such date as the President of the Probate Division, with the concurrence of the Lord Chancellor, may direct.

PART II.

Section 175.

PROVISIONS TO APPLY IN THE CASE OF PERSONS DYING BEFORE THE COMMENCEMENT OF THE ACT WITH RESPECT TO THE PROBATE OF WILLS AFFECTING REAL ESTATE AND WITH RESPECT TO THE EVIDENTIARY EFFECT OF PROBATE AND LETTERS OF ADMINISTRATION.

1. The following provisions shall have effect in relation to any proceedings taken for proving in solemn form a will affecting real estate or for revoking probate of such a will on the ground of invalidity, or where the validity of such a will is disputed in any other contentious cause or matter:—

(*a*) The heir-at-law, devisee, and other persons having or pretending interest in the real estate affected by the will shall, subject as hereinafter provided and to rules of court, be cited to see proceedings or otherwise summoned in like manner as the next of kin or others having or alleging interest in the personal estate affected by a will, and may be permitted by the court, subject to rules of court, to become parties or to intervene for their respective interests:

Provided that the court may proceed without citing any such persons as aforesaid, unless the court is satisfied that the deceased was at the time of his death seised of or entitled to, or had power to appoint by

5TH SCH. —*cont.*

will, real estate beneficially, or that the will in question would affect real estate, but in any case where the court proceeds without citing any such persons the probate or decree of the court shall not affect any of those persons in respect of his interest in real estate unless he derives title under or through a person who has been so cited;

(*b*) Where probate of the will has been granted or its validity otherwise decreed, the probate or decree shall enure for the benefit of all persons interested in the real estate affected by the will;

(*c*) The probate copy of the will or the letters of administration with the will annexed, or a copy thereof respectively, stamped with the seal of the court, shall, in all courts and in all proceedings affecting real estate (other than proceedings by way of appeal in any such proceedings as are first mentioned in this Part of this Schedule or for revocation of probate or administration), be conclusive evidence of the validity and contents of the will in like manner as a probate is evidence in matters relating to real estate;

(*d*) Where probate is refused or revoked on the ground of the invalidity of the will, or the invalidity of the will is otherwise declared, the decree declaring the invalidity shall enure for the benefit of the heir-at-law or other persons against whose interests in real estate the will might operate, and the will shall not be received in evidence in any proceeding affecting real estate other than in any proceeding by way of appeal from the decree.

2.—(*a*) A party to any proceeding who seeks to establish a devise or other testamentary disposition affecting real estate, may give to the opposite party, ten days at least before the trial or proceeding in which the proof is intended to be adduced, notice that he intends to give in evidence, as proof of the devise or other testamentary disposition, the probate of the will or the letters of administration with the will annexed, or a copy thereof stamped with the seal of the court.

(*b*) Where any such notice has been given, the probate, letters of administration, or a copy thereof, stamped as aforesaid, shall be sufficient evidence of the will and of its validity and contents, notwithstanding that it has not been proved in solemn form or otherwise declared valid in a contentious cause or matter, unless the party receiving the notice, within four days after the receipt thereof, gives notice that he disputes the validity of the devise or testamentary disposition.

Section 226.

SIXTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
31 Edw. 3 -	The Statute made at Westminster on the Monday next after the Feast of Easter in the thirty-first year, Statute the first.	Chapter eleven.
14 Hen. 6. c. 1.	Justices of nisi prius may give judgement etc. in treason and felony.	The whole Act.
3 Hen. 7. c. 3	An Act that Justices of Peace may take Bayle.	The words from "and ov." to "C. s."
23 Hen. 8. c. 9.	An Acte that no psonne shal be cited oute of the Diõc where he or she dwelleth excepte in ctayne cases.	Sections three and five.
27 Hen. 8. c. 24.	An Acte for recontynuing of ctayne lib)ties and franchises heretofore taken frome the Crowne.	In section two the words "of eire justices of assise," the words "or justices of "gaole delyvey," the words "justices of eire " justices of assise," and the words "and justices " of gaole delyvey."
33 Hen. 8. c. 24.	An Acte that noe man shal be Justice of Assise in his owne countrie.	The whole Act.
1 Edw. 6. c. 7	An Acte for the contyn-uance of Actions after the death of anny King of this Realme.	The whole Act except so far as it relates to justices of the peace.
4 Will. & Mar. c. 4.	An Act for takeing Special Bails in the Countrey upon Actions and Suites depending in the Courts of Kings-Bench Comon Pleas and Exchequer att Westminster.	The whole Act.

6TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
1 Anne, c. 2 -	An Act for explaining a Clause in an Act made at the Parliament begun and holden at Westminster the two and twentieth of November in the seventh year of the reign of our Sovereign Lord King William the Third entitled An Act for the better security of His Majesty's Royal Person and Government.	Section five, so far as it relates to commissions and writs in England other than commissions of the peace.
24 Geo. 2. c. 48.	The Michaelmas Term Act, 1750.	The whole Act.
25 Geo. 2. c. 30.	The Calendar Act, 1751 -	In section four the words from "and the usual" to the words "October in "every year" and the words from "And whereas "by another" to the words "ninth day of "November in every "year."
39 Geo. 3. c. 110.	The Judges' Pensions Act, 1799.	The whole Act.
53 Geo. 3. c. 153.	The Judges' Pensions Act, 1813.	The whole Act.
3 Geo. 4. c. 10	The Assize Commission Act, 1822.	The whole Act.
6 Geo. 4. c. 82	The Chief Justice's Pension Act, 1825.	The whole Act.
6 Geo. 4. c. 84	The Judges' Pensions Act, 1825.	The whole Act.
11 Geo. 4. & 1 Will. 4. c. 70.	The Law Terms Act, 1830	Section six.
1 Will. 4. c. 3	The Law Terms (Explanation) Act, 1830.	The whole Act.
3 & 4 Will. 4. c. 71.	The Assizes Act, 1833 -	The whole Act.
6 & 7 Will. 4. c. 87.	The Liberties Act, 1836 -	Section eight.
7 Will. 4. & 1 Vict. c. 30.	The Superior Courts (Officers) Act, 1837.	The whole Act.

6TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 & 3 Vict. c. 72.	The Assizes Act, 1839 -	The whole Act.
3 & 4 Vict. c. 65.	The Admiralty Court Act, 1840.	Sections three, four, six, twenty-two and twenty-three.
5 & 6 Vict. c. 103.	The Court of Chancery Act, 1842.	The whole Act.
14 & 15 Vict. c. 41.	The Chief Justice's Salary Act, 1851.	The whole Act.
14 & 15 Vict. c. 83.	The Court of Chancery Act, 1851.	Section eighteen.
15 & 16 Vict. c. 73.	The Common Law Courts Act, 1852.	Section eleven.
15 & 16 Vict. c. 80.	The Court of Chancery Act, 1852.	The whole Act.
15 & 16 Vict. c. 87.	The Court of Chancery Act, 1852.	Sections sixteen, twenty-one and forty-two.
17 & 18 Vict. c. 34.	The Attendance of Witnesses Act, 1854.	The whole Act so far as it authorises the issue of process by the High Court.
18 & 19 Vict. c. 134.	The Court of Chancery Act, 1855.	The whole Act.
20 & 21 Vict. c. 77.	The Court of Probate Act, 1857.	Sections four, thirteen, twenty to twenty-three, twenty-nine, thirty, and forty-six to fifty-three, in section fifty-eight the words "and the decision " of the Court of Pro- " bate on such appeal " shall be final," sections fifty-nine, sixty-one to sixty-four and sixty-six to sixty-nine, eighty-seven, eighty-nine to ninety-three, one hundred and ten and one hundred and nineteen, and Schedule A.
20 & 21 Vict. c. 79.	The Probates and Letters of Administration (Ireland) Act, 1857.	Section ninety-five so far as it relates to grants made in respect of the estates of persons dying on or after the first day of April, nineteen hundred and twenty-three.

6TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
20 & 21 Vict. c. 85.	The Matrimonial Causes Act, 1857.	Sections two, six, seven, twelve, thirteen, sixteen and seventeen, and so far as it relates to the High Court section twenty-one, sections twenty-two to thirty-one, thirty-three to thirty-five, forty-five, fifty-five, fifty-seven, fifty-eight, and sixty-six.
21 & 22 Vict. c. 56.	The Confirmation of Executors (Scotland) Act, 1858.	Section twelve.
21 & 22 Vict. c. 93.	The Legitimacy Declaration Act, 1858.	The whole Act, except section three and except so far as the Act relates to Scotland.
21 & 22 Vict. c. 95.	The Court of Probate Act, 1858.	Sections three, eight, ten, twelve, twenty, twenty-four to twenty-seven, section twenty-nine so far as it relates to grants made in respect of the estates of persons dying on or after the first day of April, nineteen hundred and twenty-three, and sections thirty-five and thirty-seven.
21 & 22 Vict. c. 108.	The Matrimonial Causes Act, 1858.	Sections four, six to eleven, and fifteen.
22 & 23 Vict. c. 21.	The Queen's Remembrancer Act, 1859.	Section seventeen.
22 & 23 Vict. c. 61.	The Matrimonial Causes Act, 1859.	The whole Act.
23 & 24 Vict. c. 91.	The Oxford University Act, 1860.	Section two.
23 & 24 Vict. c. 126.	The Common Law Procedure Act, 1860.	Sections one and twenty-two.
23 & 24 Vict. c. 144.	The Matrimonial Causes Act, 1860.	The whole Act.
24 & 25 Vict. c. 10.	The Admiralty Court Act, 1861.	Sections four, five, seven, eight, ten, eleven, twenty-seven and thirty-five.
27 & 28 Vict. c. 44.	The Matrimonial Causes Act, 1864.	The whole Act so far as it relates to the High Court.

6TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
28 & 29 Vict. c. 48.	The Courts of Justice Building Act, 1865.	Sections eighteen to twenty-one.
29 & 30 Vict. c. 32.	The Matrimonial Causes Act, 1866.	The whole Act.
31 & 32 Vict. c. 77.	The Matrimonial Causes Act, 1868.	The whole Act.
32 & 33 Vict. c. 68.	The Evidence Further Amendment Act, 1869.	Section three so far as it relates to the High Court.
32 & 33 Vict. c. 89.	The Clerks of Assize, &c. Act, 1869.	The whole Act.
32 & 33 Vict. c. 91.	The Courts of Justice (Salaries and Funds) Act, 1869.	Sections twelve and thirteen, so far as they relate to officers of the Supreme Court.
35 & 36 Vict. c. 44.	The Court of Chancery (Funds) Act, 1872.	The whole Act.
35 & 36 Vict. c. 51.	The Judges' Salaries Act, 1872.	In section four the words "in England and".
36 & 37 Vict. c. 31.	The Matrimonial Causes Act, 1873.	The whole Act.
36 & 37 Vict. c. 66.	The Supreme Court of Judicature Act, 1873.	The whole Act except the following provisions thereof, that is to say, paragraph (2) of section twenty-five, sections forty-six, sixty-four and sixty-six.
38 & 39 Vict. c. 41.	The Intestates Widows and Children (Scotland) Act, 1875.	Section three so far as it relates to the resealing of confirmations in England.
38 & 39 Vict. c. 77.	The Supreme Court of Judicature Act, 1875.	The whole Act.
39 & 40 Vict. c. 24.	The Small Testate Estates (Scotland) Act, 1876.	Section three so far as it relates to the resealing of confirmations in England.
39 & 40 Vict. c. 57.	The Winter Assizes Act, 1876.	The whole Act.
39 & 40 Vict. c. 59.	The Appellate Jurisdiction Act, 1876.	Sections fifteen to twenty.
39 & 40 Vict. c. 70.	The Sheriff Courts (Scotland) Act, 1876.	Sections forty-two and forty-three so far as they relate to the resealing of confirmations or additional confirmations in England.

6TH SCH. —*cont.*

Session and Chapter	Title or Short Title.	Extent of Repeal.
40 & 41 Vict. c. 9.	The Supreme Court of Judicature Act, 1877.	The whole Act.
40 & 41 Vict. c. 11.	The Jurisdiction in Rating Act, 1877.	In section three the words from "As to England" to the words "of Justice and".
40 & 41 Vict. c. 46.	The Winter Assizes Act, 1877.	The whole Act.
41 & 42 Vict. c. 19.	The Matrimonial Causes Act, 1878.	The whole Act.
42 & 43 Vict. c. 1.	The Spring Assizes Act, 1879.	Sections two and four.
42 & 43 Vict. c. 78.	The Supreme Court of Judicature (Officers) Act, 1879.	The whole Act.
43 Vict. c. 14	The Customs and Inland Revenue Act, 1880.	Subsection (2) of section ten.
43 & 44 Vict. c. 10.	The Great Seal Act, 1880	The whole Act.
44 & 45 Vict. c. 41.	The Conveyancing Act, 1881.	Section forty-eight.
44 & 45 Vict. c. 59.	The Statute Law Revision and Civil ProcedureAct, 1881.	Section six.
44 & 45 Vict. c. 68.	The Supreme Court of Judicature Act, 1881.	The whole Act except section one, and the third and fourth paragraphs of section nine.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Subsection (3) of section one hundred and eighty-two.
46 & 47 Vict. c. 29.	The Supreme Court of Judicature (Funds, &c.) Act, 1883.	The whole Act.
46 & 47 Vict. c. 49.	The Statute Law Revision and Civil Procedure Act, 1883.	The whole Act.
47 & 48 Vict. c. 61.	The Supreme Court of Judicature Act, 1884.	The whole Act.
47 & 48 Vict. c. 68.	The Matrimonial Causes Act, 1884.	The whole Act.
51 & 52 Vict. c. 25.	The Railway and Canal Traffic Act, 1888.	Section six.

6TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
51 & 52 Vict. c. 43.	The County Courts Act, 1888.	Sections sixteen, one hundred and twenty-five and one hundred and eighty-seven.
52 & 53 Vict. c. 47.	The Palatinate Court of Durham Act, 1889.	Section eleven to the words "for the time being and."
52 & 53 Vict. c. 49.	The Arbitration Act, 1889	Sections thirteen to seventeen and, so far as they relate to references under an order of the High Court, sections eighteen, nineteen, twenty and twenty-three.
53 & 54 Vict. c. 23.	The Chancery of Lancaster Act, 1890.	Subsection (1) of section four.
53 & 54 Vict. c. 44.	The Supreme Court of Judicature Act, 1890.	The whole Act.
54 & 55 Vict. c. 53.	The Supreme Court of Judicature Act, 1891.	Sections one, two, and four.
57 & 58 Vict. c. 16.	The Supreme Court of Judicature (Procedure) Act, 1894.	The whole Act.
57 & 58 Vict. c. 30.	The Finance Act, 1894 -	Subsection (4) of section sixteen so far as it relates to the resealing in England of Irish grants made in respect of the estates of persons dying on or after the first day of April, nineteen hundred and twenty-three.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Subsections (2) and (3) of section five hundred and forty-seven and section five hundred and sixty-five so far as they relate to the High Court in England.
59 & 60 Vict. c. 51.	The Vexatious Actions Act, 1896.	The whole Act.
62 & 63 Vict. c. 6.	The Supreme Court of Judicature Act, 1899.	The whole Act.
2 Edw. 7. c. 31.	The Supreme Court of Judicature Act, 1902.	The whole Act.
7 Edw. 7. c. 12.	The Matrimonial Causes Act, 1907.	The whole Act.

6TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 Edw. 7. c. 23.	The Criminal Appeal Act, 1907.	Subsection (3) of section twenty.
7 Edw. 7. c. 47.	The Deceased Wife's Sister Marriage Act, 1907.	Section three.
8 Edw. 7. c. 41.	The Assizes and Quarter Sessions Act, 1908.	In section one the words "the commission day in "the case of assizes and", and the words "assize or" in subsection (1); the words "assizes or" wherever those words occur in subsection (3); subsection (4); the words "assizes or", the words "commis- "sion day or", and the words "as the case may "be" in subsection (5). In section two the words "assizes or" and the words "court of assize or". In section four the words "as respects assizes the "clerk of assize and" and the words from "the ex- "pression commission "day" to the end of the section.
8 Edw. 7 c. 51.	The Appellate Jurisdiction Act, 1908.	Section six.
9 Edw. 7. c. 11.	The Judicature (Rule Committee) Act, 1909.	The whole Act.
10 Edw. 7. & 1 Geo. 5. c. 12.	The Supreme Court of Judicature Act, 1910.	The whole Act.
1 & 2 Geo. 5. c. 57.	The Maritime Conventions Act, 1911.	Section five so far as it relates to the High Court.
3 & 4 Geo. 5. c. 21.	The Appellate Jurisdiction Act, 1913.	Section two.
9 & 10 Geo. 5. c. 30.	The Official Solicitor Act, 1919.	The whole Act.
10 & 11 Geo. 5. c. 81.	The Administration of Justice Act, 1920.	Sections one, five, six, seven and eight; section fifteen so far as it relates to the High Court; and sections nineteen and twenty.

6TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
11 & 12 Geo. 5. c. 24.	The Deceased Brother's Widow's Marriage Act, 1921.	Subsection (2) of section one.
11 & 12 Geo. 5. c. 56.	The Supreme Court Officers (Retirement, Pensions, &c.) Act, 1921.	The whole Act.
13 & 14 Geo. 5. c. 19.	The Matrimonial Causes Act, 1923.	The whole Act.
15 & 16 Geo. 5. c. 23.	The Administration of Estates Act, 1925.	Sections four, ten to fourteen, sixteen, and eighteen to twenty.
15 & 16 Geo. 5. c. 28.	The Administration of Justice Act, 1925.	Sections one to eighteen, twenty-one, twenty-four to twenty-six and Schedules one to three.

CHAPTER 50.

An Act to provide for the Registration of Employers of Theatrical Employees and for purposes incidental thereto. [31st July 1925.]

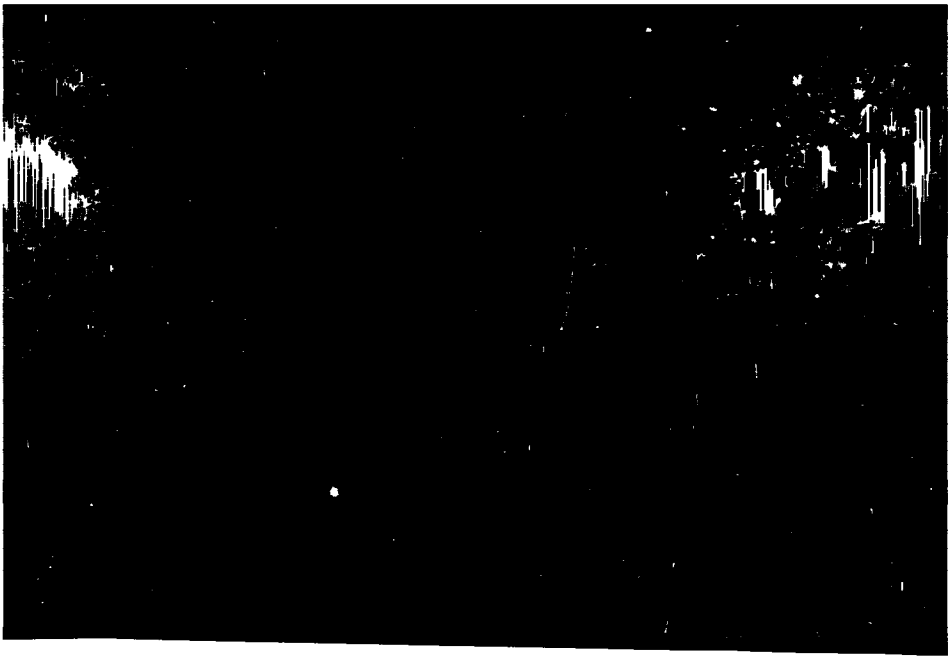
BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

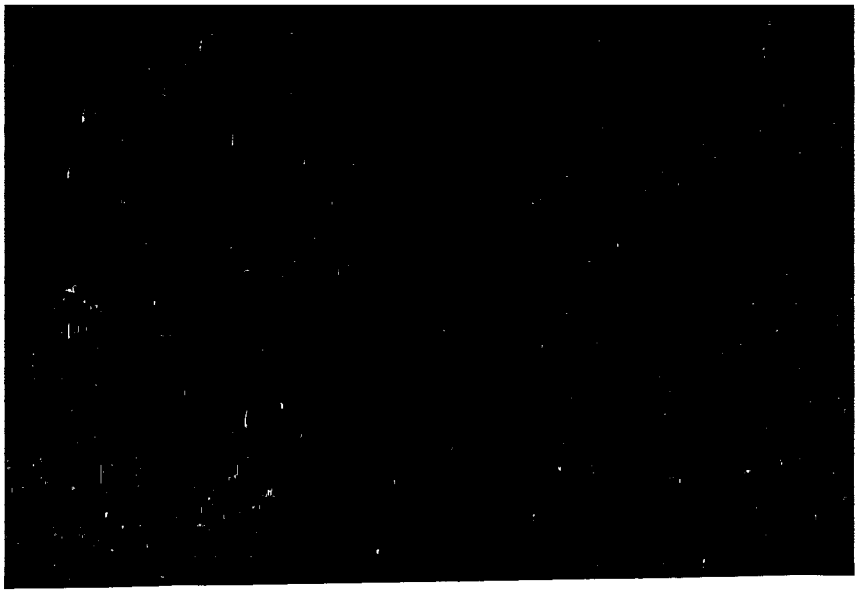
Register of theatrical employers to be established in local areas.

1. Every registration authority within the meaning of this Act shall establish and keep a register of theatrical employers. The register of theatrical employers shall be in the prescribed form and shall be open to inspection by any member of the public during ordinary office hours on payment of the prescribed fee.

Publication of intention to register.

2. Every theatrical employer as hereinafter defined shall, not more than six weeks nor less than twenty-one days before registering himself as a theatrical employer, insert in a London newspaper devoted to the interest





Theatrical Employers Registration Act, 1925.

[15 & 16 GEO. 5. CH. 50.]

ERRATUM.

Section 4.—The inverted commas printed throughout this section should be deleted.

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of the stage profession, in two different issues, a notice stating that he intends so to register, with the date thereof.'

Theatrical employers to register.

3. Every theatrical employer as hereinafter defined shall register himself as a theatrical employer with the registration authority of the area where he resides, or if he has no fixed place of residence in Great Britain with any registration authority, and shall furnish such authority with the prescribed particulars. If any circumstance occurs in relation to any theatrical employer which affects the accuracy of any particulars as respects the theatrical employer in the register of theatrical employers, the theatrical employer in question shall forthwith in writing inform the registration authority with which he has been registered, and shall forward to the authority his certificate of registration to be amended, and on receipt of such information the registration authority shall forthwith cause the entries respecting that theatrical employer and the certificate to be amended accordingly. The registration authority may charge such fee not exceeding forty shillings as may be prescribed for such registration but shall not be entitled to charge any fee for such amendments as aforesaid.

Certificates of registration to be issued.

4. The registration authority shall as soon as possible after registration by a theatrical employer issue to him a certificate of registration under the hand of a duly authorised officer of the registration authority. Such certificate shall be in the "prescribed form and any "document purporting to be such a certificate shall be "evidence of the facts to which it relates." The registration authority shall immediately on the issue of a certificate of registration and on any amendment or entry in the register of theatrical employers being made transmit to the Secretary of State in such manner as may be prescribed particulars of such registration, amendment or entry, and "such particulars shall be "open to inspection by the public, subject to the "prescribed conditions as to payment of fees and "otherwise."

Offences under the Act.

5. Any theatrical employer shall be guilty of an offence under this Act—

(*a*) Who during the course of a theatrical engagement abandons the theatrical performers;

(*b*) Who on or after the first day of January nineteen hundred and twenty-six carries on the business of a theatrical employer without being registered;

(*c*) Who supplies false or misleading or incorrect particulars to the registration authority or fails within a reasonable time to inform the registration authority of any change of circumstances or to forward to the authority his certificate in accordance with the provisions of this Act;

(*d*) Who, except as hereinafter provided, applies to be registered as a theatrical employer after his registration has been cancelled or while it is suspended;

(*e*) Who on the hearing of any charge under this Act fails to produce to the court his certificate (if any) of registration without reasonable excuse, or produces a false certificate;

(*f*) Who being a company or a firm, of which any person whose registration has been cancelled or is suspended, is a director or manager, or by any other means has control, or is a partner, as the case may be, applies to be registered as a theatrical employer.

(2) For the purposes of this section a theatrical employer shall be deemed to have abandoned theatrical performers if he absents himself from the place where the performers are in pursuance of the engagement without paying, or making arrangements for the payment of, all wages, fees, and expenses due, or to fall due, to the performers in respect of the engagement, unless he proves that he was not absent with intent to avoid the payment of any sum so due.

Punishment for offences under the Act.

6.—(1) Any offence under this Act shall render the person committing the same liable on summary conviction to a fine not exceeding fifty pounds with or without imprisonment for a period not exceeding three months, and in addition to any other penalty the court may in its discretion:—

(*a*) Order the certificate of any registered theatrical employer to be delivered up and the registration to be cancelled;

(*b*) Order the certificate of any registered theatrical employer to be delivered up and the registration to be suspended for such a period as the court may deem meet;

(*c*) Order the person convicted to pay the whole or any part of the costs of the prosecution.

Any person affected by an order made under this section may appeal against the order to a court of quarter sessions in the manner prescribed by the Summary Jurisdiction Acts.

(2) An order made under this Act shall not come into force until seven days after it is made, or if an appeal has been entered within that period until the determination of the appeal.

(3) Where a person who has committed an offence under this Act is a company, the chairman and every director and every officer concerned in the management of the company shall be deemed to have committed the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

Power to cancel or suspend registration for failure to pay salaries, &c.

7. Where a court of summary jurisdiction is satisfied that a theatrical employer has failed to pay any money due to be paid by him to theatrical performers, and that in the opinion of the court such failure was due to a deliberate intention on the part of the employer to avoid the terms of any contract made between him and the performers, the court may make an order under paragraph (*a*) or paragraph (*b*) of subsection (1) of section six of this Act in respect of that employer.

Cancelled and suspended certificates.

8.—(1) Any registered theatrical employer whose registration has been ordered to be cancelled or suspended as aforesaid shall forthwith deliver up his certificate to the clerk of the court by which the order has been made, and the clerk of the court shall as soon as the order comes into force endorse the certificate with a record of the order for cancellation or suspension, as the case may be, and shall forward the said certificate so endorsed to the registration authority by which the said certificate was issued, and the said registration authority shall thereupon cause entry of such cancellation or suspension to be made in the register of theatrical employers, and in the case of suspension shall, when the period of suspension has

expired, return the certificate to the employer at the address entered on the certificate, and in the case of cancellation shall retain the said certificate.

(2) Where any order as to cancellation or suspension of registration has been made as aforesaid, the clerk of the court shall send notice thereof to the Secretary of State in the prescribed manner.

Persons who may not be registered.

9. Any person whose registration has been cancelled may, after giving notice in the prescribed manner to the registration authority by which his former certificate was issued of his intention so to do, apply to a court of summary jurisdiction for an order authorising him to register himself as a theatrical employer, and the court may thereupon, if satisfied that such person should be registered, make such order subject to such conditions as to the court may seem fit: Provided that no order shall be made under this section unless a period of at least three years has elapsed since the former registration was cancelled.

Certain convicted persons not to act as servants or agents for theatrical employers.

10. Any person whose registration as a theatrical employer is cancelled shall be guilty of an offence under this Act if at any time while he remains unregistered he acts as agent for a theatrical employer.

Application.

11. This Act shall not apply—

(*a*) To any person to whom, or to whose agent, a licence under section seven of the Theatres Act, 1843, or a licence for music and dancing has been granted, but only so long as such licence remains in force:

6 & 7 Vict. c. 68.

(*b*) To any person who not for gain or in the way of business employs or engages theatrical performers for performances in aid of charitable objects or other similar purposes.

Rules and expenses.

12.—(1) The Secretary of State may make rules for prescribing anything which is to be prescribed under this Act, and generally for carrying this Act into effect.

(2) Any expenses of a registration authority under this Act, as far as not covered by fees, shall be defrayed in the case of the Common Council of the City of London out of the general rate, in the case of the council of a county borough out of the borough fund or borough

rate, and in the case of the council of a county out of the county fund.

Interpretation.

13. In this Act, unless the context otherwise requires, the expression "theatrical employer" means any person who by himself or any agent engages or employs at any one time three or more theatrical performers.

The expression "theatrical performer" includes any actor, singer, dancer, acrobat or performer of any kind employed to act, sing, dance, play or perform in any theatre, music hall or other place of public entertainment, or to rehearse with a view to so acting, singing, dancing, playing or performing, as well as any person employed to take part in the acting or representation of any play, act, event or scene being photographed or otherwise recorded as a picture or pictures or other optical effect suitable or intended for being exhibited by means of a cinematograph or other similar apparatus; and the term theatrical performer shall include all persons employed or engaged for purposes of a chorus or crowd, but shall not include stage hands and members of an orchestra.

The expression "registration authority" means—

As respects the City of London, the common council;

As respects any county borough, the council of the borough;

As respects any other areas, the council of the ounty;

The expression "prescribed" means prescribed by rules made by the Secretary of State.

Application to Scotland.

14. This Act shall apply to Scotland, subject to the following modifications:—

(1) The expression "county borough" shall mean a burgh having according to the census of nineteen hundred and twenty-one a population of or exceeding fifty thousand, and all other burghs shall for the purposes of this Act be deemed to be within the county:

(2) The expenses incurred by a town or county council under this Act shall, so far as not met out of fees, be defrayed in the case of a town

council out of the burgh general or police assessment and in the case of a county council out of the general purposes rate, provided that with respect to every burgh, which is for the purposes of this Act deemed to be within the county, subsections (3) and (4) of section sixty and section sixty-six of the Local Government (Scotland) Act, 1889, shall, so far as applicable, have effect as if such expenses were expenditure therein mentioned:

52 & 53 Vict. c. 50.

(3) The expression "court of summary jurisdiction" shall mean the sheriff, and the provisions regarding appeal to a court of quarter sessions shall not apply:

(4) The expression "a licence for music and dancing" shall mean a licence granted under section three hundred and ninety-five of the Burgh Police (Scotland) Act, 1892.

55 & 56 Vict. c. 55.

Short title.

15.—(1) This Act may be cited as the Theatrical Employers Registration Act, 1925.

(2) This Act shall not apply to Northern Ireland.

CHAPTER 51.

An Act to amend the Law relating to Separation and Maintenance Orders. [31st July 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendments of principal Act as to grounds on which orders may be made. 58 & 59 Vict. c. 39.

1.—(1) An application by a married woman for an order or orders under the Summary Jurisdiction (Married Women) Act, 1895, as amended by any subsequent enactment (which Act as so amended is hereinafter referred to as the principal Act) on the ground of cruelty or neglect by her husband, may be made notwithstanding that the cruelty or neglect complained of has not caused her to leave and live separately and apart from him, and accordingly the words "and shall

" by such cruelty or neglect have caused her to leave " and live separately and apart from him " in section four of that Act are hereby repealed.

(2) Amongst the grounds on which a married woman may apply for an order or orders under the principal Act there shall be included the following grounds—

(*a*) that her husband has been guilty of persistent cruelty to her children;

(*b*) that her husband while suffering from a venereal disease, and knowing that he was so suffering, insisted on having sexual intercourse with her;

(*c*) that her husband has compelled her to submit herself to prostitution.

Where the husband has, in the opinion of the court, been guilty of such conduct as was likely to result and has resulted in her submitting herself to prostitution, he shall, for the purposes of this subsection, be deemed to have compelled her so to submit herself.

(3) Amongst the grounds on which a married man may apply for an order or orders under the principal Act there shall be included the ground that his wife has been guilty of persistent cruelty to his children.

(4) No order made under the principal Act shall be enforceable and no liability shall accrue under any such order whilst the married woman with respect to whom the order was made resides with her husband, and any such order shall cease to have effect if for a period of three months after it is made the married woman continues to reside with her husband.

Amendment of s. 7 of principal Act.

2.—(1) Section seven of the principal Act (which provides, amongst other things, that if a married woman, upon whose application an order has been made under that Act, shall commit an act of adultery, such order shall upon proof thereof be discharged) shall have effect as though at the end thereof the following proviso were inserted:—

" Provided that the court may, if the court think fit—

" (*a*) refuse to discharge the order if, in the opinion of the court, such act of adultery as

aforesaid was conduced to by the failure of the husband to make such payments as in the opinion of the court he was able to make under the order; and

"(*b*) in the event of the order being discharged, make a new order that the legal custody of the children of the marriage shall continue to be committed to the wife, and that the husband shall pay to the wife or to any officer of the court or third person on her behalf, a weekly sum not exceeding ten shillings for the maintenance of each such child until the child attains the age of sixteen years. In making such an order the court shall have regard primarily to the interests of the children."

(2) Where a married woman with respect to whom an order has been made under the principal Act resumes cohabitation with her husband after living apart from him, or where she has before the date of the commencement of this Act so resumed cohabitation, and is at that date cohabiting with him, the order shall cease to have effect on the resumption of such cohabitation or at the commencement of this Act, as the case may be.

Amendment of definition of "habitual drunkard." 2 Edw. 7. c. 28. 42 & 43 Vict. c. 19.

3. The expression "habitual drunkard" in section five of the Licensing Act, 1902, shall be interpreted as though in the definition of that term in section three of the Habitual Drunkards Act, 1879, the reference to the habitual intemperate drinking of intoxicating liquor included a reference to the habitual taking or using, except upon medical advice, of opium or other dangerous drugs within the meaning of the Dangerous Drugs Acts, 1920 and 1923.

Notice of change of address.

4. Any person for the time being under an obligation to make payments (including costs) under an order made under the principal Act, as amended by this Act, shall give notice to such persons (if any) as may be specified in the order of any change of address, and any person failing to give such notice without reasonable excuse shall be liable on summary conviction to a fine not exceeding two pounds.

Enforcement of orders as to custody of children.

5. Where an order under the principal Act contains a provision committing to the applicant the legal custody of any children of the marriage, a copy of the order may be served upon any person in whose actual custody the children may for the time being be, and thereupon the provision may, without prejudice to any other remedy open to the applicant, be enforced under subsection (2) of section thirty-four of the Summary Jurisdiction Act, 1879, as if it were an order of the court requiring that person to give up the children to the applicant.

42 & 43 Vict. c. 49.

Power to order interim payments where application for maintenance of married woman is adjourned.

6.—(1) Where, on the hearing of an application for an order of maintenance, the application is adjourned for any period exceeding one week, the court may order that the husband do pay to the wife or to an officer of the court or third person on her behalf a weekly sum (not exceeding such an amount as might be ordered to be paid under a final order) for the maintenance of the wife and any child or children in her custody until the final determination of the case: Provided that the order directing such payment shall not remain in operation for more than three months from the date on which it was made.

(2) Any such order shall be enforced in like manner as if it were a final order of the court.

Short title, extent, and commencement.

7.—(1) This Act may be cited as the Summary Jurisdiction (Separation and Maintenance) Act, 1925, and section five of the Licensing Act, 1902, the Married Women (Maintenance) Acts, 1895 and 1920, and this Act may be cited together as the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1925.

(2) This Act shall not extend to Scotland or Northern Ireland.

(3) This Act shall come into operation on the expiration of two months after the passing thereof.

CHAPTER 52.

An Act to amend the law with respect to the regulation of Advertisements.

[31st July 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extended powers of making byelaws. 7 Edw. 7. c. 27.

1.—(1) The powers of a local authority under section two of the Advertisements Regulation Act, 1907 (in this Act referred to as the principal Act), shall include powers to make byelaws for regulating, restricting or preventing within their district or any part thereof the exhibition of advertisements so as to disfigure or injuriously affect—

(*a*) the view of rural scenery from a highway or railway, or from any public place or water; or

(*b*) the amenities of any village within the district of a rural district council; or

(*c*) the amenities of any historic or public building or monument or of any place frequented by the public solely or chiefly on account of its beauty or historic interest.

(2) In the principal Act and in this Act the expression "advertisements" includes any structure or apparatus erected or intended only for the display of advertisements.

(3) This section shall not apply to the exhibition of advertisements on or upon any railway station, yard, platform or railway approach belonging to a railway company, or except within the district of a rural district council upon any dock, quay, pier, landing stage, wharf, lock or toll station belonging to any harbour, dock or canal undertaking.

Delegation of powers by county councils to district councils.

2.—(1) Without prejudice to any other powers of delegation, a county council may arrange with any urban district council which is not a local authority within the meaning of the principal Act for the delegation to that council of any of the powers of the county council

under the principal Act, and may arrange with any rural district council for the delegation to that council of the power of enforcing any byelaws made under the principal Act by the county council, and, where any such arrangement is made, the county council may delegate its powers accordingly.

(2) A county council may at any time cancel any arrangement made by them under this section but without prejudice to anything previously done thereunder, and where any such arrangement is cancelled any byelaws made thereunder by the urban district council shall, until varied or revoked by the county council, have effect as if they had been made by the county council.

(3) Any arrangement made under this section delegating to an urban district council the power to make byelaws shall provide for the notification to the county council of any byelaws made under the arrangement.

(4) Any expenses incurred by a district council in pursuance of an arrangement made under this section shall be repaid to that council by the county council by which the arrangement was made, and any expenses so repaid by a county council shall be defrayed by the county council as part of their expenses in carrying the principal Act into effect:

Provided that—

(*a*) if any such expenses incurred by a district council exceed any limit which may have been imposed by the arrangement made by the county council, the amount of the excess shall not be repayable to the district council unless it is so resolved by the county council; and

(*b*) any expenses properly incurred by a district council in pursuance of the arrangement shall, so far as they are not repaid by the county council, be defrayed as part of the general expenses of the district council; and

(*c*) for the purposes of section four of the principal Act a district council shall not by reason of any arrangement made under this section be deemed to be a local authority under that Act.

(5) This section shall not apply to Scotland.

Short title, construction and extent.

3.—(1) This Act may be cited as the Advertisements Regulation Act, 1925, and shall be read as one with the principal Act, and the principal Act and this Act may be cited together as the Advertisements Regulation Acts, 1907 and 1925.

(2) References in this Act to the principal Act shall be construed as references to that Act as amended by this Act.

(3) In the application of this Act to Scotland references to the district of a rural district council shall be construed as references to a county exclusive of any burgh situated therein.

(4) This Act shall not apply to Northern Ireland.

CHAPTER 53.

An Act to amend section seven of the Mental Deficiency Act, 1913, for the purpose of enabling a defective to be removed from an institution for the purpose of being placed under guardianship. [31st July 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 3 & 4 Geo. 5. c. 28, s. 7: "Variation of orders."

1. Section seven of the Mental Deficiency Act, 1913, shall have effect as though the following subsection were inserted after subsection (2) of that section:—

"2.—(*a*) Where an order has been made that a defective be sent to an institution, the judicial authority which made the order, or any other judicial authority, or, where the original order was not made by a judicial authority, any judicial authority may, on application being made for the purpose by the Board or by the local authority, and on being satisfied that the case is or has become one suitable for guardianship, order that the defective be placed under guardianship."

Short title.

2. This Act may be cited as the Mental Deficiency (Amendment) Act, 1925.

CHAPTER 54.

An Act to remove the disqualification of ministers of religion for being borough councillors.

[31st July 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Removal of disqualifications.

1. From the passing of this Act no person shall be disqualified for being elected or being a councillor of a borough by reason only that he is in holy orders or the regular minister of a dissenting congregation.

Short title.

2.—(1) This Act may be cited as the Ministers of Religion (Removal of Disqualifications) Act, 1925.

Repeal of 45 & 46 Vict. c. 50. s. 12, subs. (1), para. (*b*)

(2) Paragraph (*b*) of subsection (1) of section twelve of the Municipal Corporations Act, 1882, is hereby repealed.

(3) This Act shall not apply to Northern Ireland.

CHAPTER 55.

An Act to make further provision with regard to the grant of superannuation and other allowances to teachers in Scotland and to their legal personal representatives, and to the payment of contributions towards the cost of such allowances.

[31st July 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of period during which contributions

1. The period during which contributions shall be payable under section one of the Act of 1922 as amended by the Act of 1924, towards the cost of providing benefits under the Superannuation Scheme shall be

by or in respect of teachers are to be payable.

extended until the thirty-first day of March, nineteen hundred and twenty-six, and in the said Acts, or in any amending Scheme framed and approved in pursuance of the first mentioned Act, any reference to section one of the said Act shall be construed as a reference to the said section as amended by the Act of 1924 and by this Act.

Contributions towards benefits under Superannuation Scheme.

2.—(1) As from the first day of April, nineteen hundred and twenty-six, there shall be paid in each year to the Department towards the cost of providing benefits under the Superannuation Scheme, in respect of every teacher employed in service within the meaning of such scheme the following contributions :—

(*a*) an amount to be paid by the teacher equal to five per centum of his salary for the time being;

(*b*) an amount to be paid by the education authority, governing body or other body of managers by whom the teacher is employed, equal to five per centum of the salary for the time being of the teacher.

(2) The payments due in terms of the foregoing subsection shall be collected by the Department from each education authority, governing body or other body of managers either directly or by deduction from any grants that may accrue under any regulations, code or minute of the Department, and it shall be lawful for each education authority, governing body or other body of managers to deduct five per centum from the salary of every teacher in their employment in respect of whom payments are due under the foregoing subsection:

Provided that, where any payment due by a teacher has not been so deducted and collected, the same (together with compound interest thereon from the date when the payment became due, calculated at four per centum per annum with yearly rests) shall be recoverable by the Department either directly from the teacher or by deduction from any sum payable to him or to his legal personal representatives under the Superannuation Scheme.

(3) For the purposes of this section the salary of a teacher shall be calculated in accordance with rules under the Superannuation Scheme.

(4) All sums paid to or collected or recovered by the Department in pursuance of this section shall be paid into the Education (Scotland) Fund.

Amending Scheme to be framed.

3.—(1) The Department shall as soon as may be after the passing of this Act frame an amending Scheme which shall be laid before each House of Parliament with a view to approval by Order in Council.

(2) Section eight of the Act of 1919 shall apply to any amending Scheme framed in pursuance of the foregoing subsection, in like manner as it applies to the Scheme framed in pursuance of that Act, provided that such amending Scheme shall not come into operation until the first day of April, nineteen hundred and twenty-six.

Provisions of amending Scheme.

4.—(1) The amending Scheme to be framed in pursuance of the immediately preceding section of this Act shall include provision—

(*a*) for the repayment to a teacher or to his legal personal representatives, in circumstances and on conditions to be prescribed, of contributions made by him in terms of the Acts of 1922 and 1924 or of this Act, together with compound interest on each contribution as from the prescribed date calculated at the rate of three per centum per annum with yearly rests and for the cancellation on such repayment of the service in respect of which the said contributions were paid;

(*b*) for permitting a teacher in circumstances and on conditions to be prescribed to repay the sums repaid to him under the foregoing provisions of this section or under section two of the Act of 1922, together with compound interest thereon calculated from the date of repayment to him at the rate of three and a half per centum per annum with yearly rests, and for the restoration to such teacher on such repayment by him of such claims under the Superannuation Scheme as he would have had if no repayment had been made to him;

(*c*) for securing that the total amount of benefit payable under the Superannuation Scheme to

any teacher or to his legal personal representatives together with compound interest on any benefit calculated from the date of payment at three per centum per annum with yearly rests, shall not (save as may be otherwise provided in cases where benefit is payable also under the Teachers (Superannuation) Acts, 1918 to 1925), be less than the total amount of the contributions paid by him under the Acts of 1922 and 1924 and this Act together with compound interest on such contributions from the prescribed date calculated at three per centum per annum with yearly rests;

(*d*) for enabling a teacher whose service is discontinued for a period not exceeding four years in the case of a teacher who during the period is in full-time employment as a teacher in any part of His Majesty's dominions outside the United Kingdom, and not exceeding one year in any other case to pay into the Education (Scotland) Fund with the consent of the Department in respect of such period sums equal to ten per centum of his salary calculated in accordance with rules under the Superannuation Scheme, so that the said period may be reckoned as a period of service within the meaning of the Superannuation Scheme, and for determining the amount of such payments which shall be reckoned as contributions by the teacher.

(2) The amending Scheme shall make such other provision as appears necessary to carry out the purposes of the Act of 1919, and of this Act and, without prejudice to the generality of this enactment, may further provide—

(*a*) for giving effect to any arrangements made with any authority administering any statutory Scheme of Superannuation for school teachers in any part of His Majesty's dominions, providing for the extension (whether with or without modification) of the Superannuation Scheme to service in the capacity of a teacher in that part of His Majesty's dominions and for the extension

of such statutory Scheme to service within the meaning of the Superannuation Scheme.

For the purposes of the foregoing provision the expression "His Majesty's dominions" includes any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions;

(*b*) for applying on such conditions and with such modifications in regard to contributions and otherwise as may be prescribed the provisions of the Superannuation Scheme to teachers in schools which are not otherwise within the scope of the said Scheme:

Provided that the contributions payable by and in respect of such teachers shall be at rates prescribed from time to time after consultation with the Government Actuary with a view to securing that the contributions paid shall be equal in value to the benefits to be accorded in respect of such contributions;

(*c*) for the calculation of benefit in such special circumstances and in such manner as may be prescribed by reference to the actual period of service in lieu of the completed years of service;

(*d*) for the making by the Department of rules for the purpose of giving effect to the provisions of this Act and of the Superannuation Scheme as modified by the amending Scheme.

Application of Scheme as modified by amending Scheme.

5. The Superannuation Scheme as modified by the amending Scheme to be framed in pursuance of section three of this Act shall apply, in lieu of the scheme in operation prior to the first day of April, nineteen hundred and twenty-six, to—

(i) all teachers who are or shall be in service within the meaning of the Superannuation Scheme as so modified, on or after the first day of April, nineteen hundred and twenty-six, provided always that, if any teacher who is in such service on the said date, or any teacher who having discontinued such service prior to the said date returns to such service thereafter, gives notice to the Department within three months of the said date or of

the date of such return as the case may be or, in any case where the special circumstances seem to the Department to justify an extension of the said period, within such extended period as the Department may fix, that he does not accept the amending Scheme the provisions of the Superannuation Scheme shall continue to apply to such teacher to the same effect as if the amending Scheme had not been made, and provided also that in the Superannuation Scheme as it applies to him, any reference to contributions payable under section one of the Education (Scotland) (Superannuation) Act, 1922, shall be deemed to include a reference to contributions payable under section two (1) (*a*) of this Act, and

12 & 13 Geo. 5. c. 48.

(ii) to all teachers who, having been in service before the said date, are employed on or after that date in such employment as may be prescribed.

Payments from Education (Scotland) Fund into Exchequer, and from Exchequer into Education (Scotland) Fund.

6.—(1) In respect of the year commencing the first day of April, nineteen hundred and twenty-six, and every subsequent year there shall be paid out of the Education (Scotland) Fund into the Exchequer eleven-eightieths of the amount received by the Exchequer in respect of contributions paid by teachers and employers in England and Wales under the Teachers (Superannuation) Act, 1925, towards the cost of the benefits thereunder.

15 & 16 Geo. 5. c. 59.

(2) For the purpose of the payment into the Education (Scotland) Fund in terms of section six of the Act of 1919, in respect of the year commencing the first day of April, one thousand nine hundred and twenty-six, and every subsequent year, any contributions or balance of contributions returned in terms of section two of the School Teachers (Superannuation) Act, 1922, or in terms of any Act amending the same, as well as any sums paid as compensation in terms of section three thereof, shall be included in the sums estimated to be expended and the sums actually expended from the Vote for Education in England and Wales on the superannuation of teachers.

12 & 13 Geo. 5. c. 42.

Account and actuarial inquiries.

7.—(1) There shall be kept in accordance with the directions contained in the Schedule to this Act an account in such form and prepared in such manner as may be determined by the Department, after consultation with the Treasury, of all revenue and expenditure

(including any sums which are under the said Schedule to be deemed to be revenue or expenditure) under the Education (Scotland) (Superannuation) Acts, 1919, 1922, and 1924 and under this Act, as from the first day of June, nineteen hundred and twenty-two; and, at the expiration of the period of seven years from the first day of April, nineteen hundred and twenty-six, and at the expiration of every subsequent period of seven years, the Department shall cause an actuarial inquiry to be made for the purpose of determining whether on the basis of the said account the contributions payable under this Act are sufficient, or more than sufficient or less than sufficient, to support the benefits payable in respect of service subsequent to the thirty-first day of May, nineteen hundred and twenty-two.

(2) The Department shall cause a report of every inquiry made under this section to be laid before both Houses of Parliament.

Application of section 7 of 9 & 10 Geo. 5. c. 17.

8. Section seven of the Act of 1919 (which makes provision for expenses) shall apply to this Act and to the amending Scheme in like manner as it applies to that Act and the Scheme made in pursuance thereof.

Interpretation.

9. In this Act unless the context otherwise requires—

"The Act of 1919" means the Education (Scotland) (Superannuation) Act, 1919;

"The Act of 1922" means the Education (Scotland) (Superannuation) Act, 1922;

"The Act of 1924" means the Education (Scotland) (Superannuation) Act, 1924; 14 Geo. 5. c. 13.

"The Superannuation Scheme" means the Teachers Superannuation Scheme framed and approved under the Act of 1919 and any amendment thereof;

"The Department" means the Scottish Education Department;

"Prescribed" means prescribed by the amending Scheme to be made under this Act or by rules under the said Scheme.

Short title, extent and construction.

10.—(1) This Act shall apply to Scotland only.

(2) This Act may be cited as the Education (Scotland) (Superannuation) Act, 1925, and the Acts of 1919, 1922, and 1924, and this Act may be cited together as the Education (Scotland) (Superannuation) Acts, 1919

to 1925, and the Education (Scotland) Acts, 1872 to 1924, and this Act may be cited together as the Education (Scotland) Acts, 1872 to 1925, and shall so far as is consistent with the tenor thereof be construed as one Act.

Section 7.

SCHEDULE.

DIRECTIONS AS TO ACCOUNT.

1. The accounting periods for which the account shall be made up shall be from the first day of June, nineteen hundred and twenty-two, to the thirty-first day of March, nineteen hundred and twenty-three, and thereafter from the first day of April in each year to the thirty-first day of March in the next year.

2. There shall be treated as having been paid into the revenue for each accounting period—

(*a*) by teachers the amount of teachers contributions attributable to the period, and by the education authorities, governing bodies or other bodies of managers by whom such teachers are employed a sum equal to that amount; and

(*b*) out of the Education (Scotland) Fund a sum equal to the expenditure during the period upon Superannuation and other allowances attributable to service before the first day of June, nineteen hundred and twenty-two; and

(*c*) a sum representing interest at the rate of three and a half per cent. per annum on the mean balance, if any, of revenue over expenditure during the period; such mean balance being calculated by adding together one half of the balance (exclusive of any interest under this paragraph) remaining at the end of the period and one half of the balance, if any, carried forward from the last preceding accounting period; and

(*d*) the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period; and

(*e*) any other revenue attributable to the period.

3. There shall be shown the expenditure upon allowances and gratuities attributable to service before the first day of June, nineteen hundred and twenty-two, separately from expenditure upon allowances, gratuities, and the return of contributions attributable to service since that date.

CHAPTER 56.

An Act to amend the law with respect to Customs in the Isle of Man. [31st July 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Duties on tobacco.

1. The additional duties of Customs on tobacco removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1918, shall continue to be charged, levied and paid as from the first day of July, nineteen hundred and twenty-five, until the first day of August, nineteen hundred and twenty-six: 8 & 9 Geo. 5. c. 41.

Provided that in the case of the duties charged under this section the preferential rate under section five of the Isle of Man (Customs) Act, 1919, (which relates to Imperial preference) shall be three-fourths of the full rate. 9 & 10 Geo. 5. c. 74.

Duties on ale or beer.

2. There shall be charged, levied and paid on and from the ninth day of June, nineteen hundred and twenty-five, until the first day of August, nineteen hundred and twenty-six, such additional duties of Customs on ale or beer removed or imported into the Isle of Man as shall be sufficient to make when added to the existing duties a duty at the following rate:

For every thirty-six gallons, where the worts were before fermentation of a specific gravity of 1,055 degrees, a duty of - - 3*l.* 14*s.*

with a proportionate increase or decrease according to the specific gravity of the worts thereof before fermentation.

Duties on spirits.

3. The additional duties of Customs on spirits removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1921, shall continue to be charged, levied and paid as from the first day of August, nineteen hundred and twenty-five, until the first day of August, nineteen hundred and twenty-six. 11 & 12 Geo 5. c. 40.

Duties on cocoa.

4. The duties of Customs on cocoa removed or imported into the Isle of Man imposed by the Isle of Man (Customs) Act, 1924, shall continue to be charged, levied and paid as from the first day of August, nineteen 14 & 15 Geo. 5. c. 24.

hundred and twenty-five, until the first day of August, nineteen hundred and twenty-six.

Duties on hops.

5.—(1) On and from the sixteenth day of August, nineteen hundred and twenty-five, until the first day of August, nineteen hundred and twenty-six, there shall be charged, levied and paid on the following goods (not being goods grown or manufactured in Great Britain or Northern Ireland) removed or imported into the Isle of Man the following duties of Customs, that is to say:—

	£ s. d.
Hops - - - the cwt.	4 0 0
Every extract, essence or other similar preparation made from hops.	An amount equal to the duty on the quantity of hops which, in the opinion of the Commissioners of Customs and Excise, has been used in the manufacture of the extract, essence or preparation.

(2) In the case of any goods to which this section applies, shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from and grown, produced or manufactured in the British Empire, the rate of duty shall be two-thirds of the full rate, and the provisions of subsections (1) and (2) of section eight of the Finance Act, 1919, shall apply with respect to the preferential rates referred to in this section as they apply with respect to the preferential rates referred to in that section as though those provisions were herein set out and in terms made applicable to the rates referred to in this section, with the substitution of the Lieutenant-Governor of the Isle of Man for the Board of Trade.

9 & 10 Geo. 5. c. 32.

Duties on motor cars, musical instruments, clocks, films, &c.

6.—(1) On and from the first of July, nineteen hundred and twenty-five, until the first day of August, nineteen hundred and twenty-six, there shall be charged, levied and paid on any of the following articles (not being articles manufactured or produced in Great Britain or

Northern Ireland) removed or imported into the Isle of Man the following duties of Customs, that is to say :—

Motor cars, including motor bicycles and motor tricycles - - -	An amount equal to thirty-three and one-third per cent. of the value of the article.
Accessories and component parts of motor cars, motor bicycles, or motor tricycles other than tyres -	
Musical instruments, including gramophones, pianolas, and other similar instruments - - -	
Accessories and component parts of musical instruments, and records and other means of reproducing music - - - - - -	
Clocks, watches, and the component parts of clocks and watches - -	

Cinematograph films imported for the purpose of the exhibition of pictures or other optical effects by means of a cinematograph or other similar apparatus :—

	Per linear foot of the standard width of $1\frac{3}{8}$ inches. £ *s.* *d.*
Blank film, on which no picture has been impressed, known as raw film or stock - - - - -	0 0 $0\frac{1}{3}$
Positives, *i.e.*, films containing a picture for exhibition, whether developed or not - - - -	0 0 1
Negatives, *i.e.*, films containing a photograph, whether developed or not, from which positives can be printed - - - - - -	0 0 5

(2) Where it is proved to the satisfaction of the Commissioners of Customs and Excise that any article is of a kind mainly used as an accessory or component part which is liable to duty under this section, but is imported for use for some other purpose or has been or is being exclusively used for some other purpose, the Commissioners shall, subject to such conditions, if any, as they think fit to impose, allow the article to be

imported free of duty or repay any duty paid on importation as the case requires.

(3) Motor cars which are proved to the satisfaction of the Commissioners of Customs and Excise to be constructed and adapted for use and intended to be used solely as motor omnibuses or motor ambulances, or in connection with the conveyance of goods or burden in the course of trade or husbandry, or by a local authority as fire engines or otherwise for the purposes of their fire brigade service, and chassis, component parts and accessories which are so proved to be intended to be used solely for any such motor cars shall not be charged with duty under this section:

Provided that, in such cases as the Commissioners of Customs and Excise direct, cars, chassis, accessories or parts, as the case may be, shall not be exempted unless they are marked or stamped in such manner as the Commissioners direct or approve with some distinctive stamp or mark showing that they are only to be so used.

On any transfer of a motor car or chassis which has been exempted under this provision the transferor shall give notice of the transfer and of the name and address of the transferee to the Commissioners of Customs and Excise.

If, while the duty on motor cars, motor bicycles and motor tricycles, and accessories and component parts thereof under this section remains in force, any person obliterates or removes any such distinctive stamp or mark, or uses any motor car, chassis, accessory or part which has been exempted from duty under this provision for any purpose other than the purposes therein mentioned, or fails to give notice of a transfer in accordance with this provision, he shall be liable on conviction for the offence, prosecuted in the manner in which offences punishable on summary conviction may for the time being be prosecuted in the Isle of Man, to a fine not exceeding one hundred pounds, or, at the option of the court, to imprisonment, with or without hard labour, for a term not exceeding six months.

If it is shown to the satisfaction of the Commissioners of Customs and Excise that any motor car, chassis, component part or accessory has been, and is being, exclusively used for purposes which entitle it to an exemption from duty under this provision, the Com-

missioners may, subject to such conditions (if any) as they think fit to impose, repay any duty paid on the car, chassis, part or accessory on importation.

(4) If it is proved to the satisfaction of the Commissioners of Customs and Excise as respects any imported negative cinematograph film, whether developed or undeveloped, that the production of the film was organised by persons whose chief or only place of business was in Great Britain or Northern Ireland, and that the producer of the film and all the principal actors and artists employed for the production thereof except five, or, if the total number of the principal actors and artists was less than twenty, not less than three-quarters of the principal actors and artists so employed, were British subjects and domiciled in Great Britain or Northern Ireland, that film shall, subject to compliance with such conditions as the Commissioners may by regulations prescribe, be treated for the purpose of the duties charged by this section on imported cinematograph films as being blank film.

In this provision the expression "artists" includes the person working the photographic camera by means of which the pictures composing the film were taken.

(5) The Lieutenant-Governor of the Isle of Man may by order exempt any articles mentioned in the order which are liable to duty under this section from that duty if he is satisfied that, having regard to the small value of the article, it is inexpedient that the duty should be charged.

(6) The Lieutenant-Governor of the Isle of Man may make regulations providing for the total or partial exemption for a limited period from duty under this section of any motor cars, including motor bicycles and motor tricycles, brought into the Isle of Man by persons making only a temporary stay therein.

(7) In the case of any article to which this section applies, shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from, and produced or manufactured in the British Empire, the rate of duty shall be two-thirds of the full rate, and the provisions of subsections (1) and (2) of section eight of the Finance Act, 1919, shall apply with respect to the preferential rates referred to in this section as they apply with respect to the preferential rates referred to in that section, as though those provisions were herein set

out and in terms made applicable to the rates referred to in this section, with the substitution of the Lieutenant-Governor of the Isle of Man for the Board of Trade.

Duties on silk.

7.—(1) On and from the first day of July, nineteen hundred and twenty-five, until the first day of August, nineteen hundred and twenty-six, there shall be charged, levied, and paid on the removal or importation into the Isle of Man of the articles specified in the first column of Part I. of the Schedule to this Act respectively the duties of Customs specified in the second column of the said Part I., but subject to the provisions contained in Part II. of the said Schedule.

(2) In the case of any article to which this section applies, shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from, and produced or manufactured in the British Empire, the rate of duty shall be five-sixths of the full rate, and the provisions of subsections (1) and (2) of section eight of the Finance Act, 1919, shall apply with respect to the preferential rates referred to in this section as they apply with respect to the preferential rates referred to in that section as though those provisions were herein set out and in terms made applicable to the rates referred to in this section, with the substitution of the Lieutenant-Governor of the Isle of Man for the Board of Trade, and with the substitution of the Isle of Man for Great Britain or Northern Ireland.

Duties on wine.

8.—(1) On and from the ninth day of June, nineteen hundred and twenty-five, until the first day of August, nineteen hundred and twenty-six, there shall be charged, levied and paid on wine removed or imported into the Isle of Man the following duties of Customs, that is to say:—

	s.	*d.*
Wine not exceeding 30 degrees of proof spirit, the gallon - - - - -	2	6
Exceeding 30, but not exceeding 42 degrees of proof spirit, the gallon - - -	6	0
For every degree or part of a degree beyond the highest above charged, an additional duty, the gallon - - -	0	6
Sparkling wine imported in bottle, an additional duty, the gallon - - -	12	6
Still wine imported in bottle, an additional duty, the gallon - - -	2	0

(2) Subsection (2) of section eight of the Customs and Inland Revenue Act, 1890 (which provides that wine rendered sparkling in warehouse is to be deemed to be sparkling wine for the purpose of a certain duty of Customs imposed on sparkling wine), shall apply for the purpose of the duty imposed on sparkling wine by this section as it applied for the purpose of the duty mentioned in that subsection. 53 & 54 Vict. c. 8.

(3) Section five of the Isle of Man (Customs) Act, 1919 (which relates to Imperial preference), shall apply to the duties chargeable under this section:

Provided that as from the first day of July, nineteen hundred and twenty-five, the preferential rate of duty in the case of wine exceeding 30 degrees of proof spirit shall be thirty-three and a third per cent. of the full rate, and in the case of sparkling wine in bottle (additional duty) shall be fifty per cent. of the full rate.

(4) In this section the expression "wine" includes lees of wine.

Duties on lace.

9.—(1) On and from the first day of July, nineteen hundred and twenty-five, until the first day of August, nineteen hundred and twenty-six, there shall be charged, levied and paid a duty of Customs equal to thirty-three and a third per cent. of the value of the goods on the removal or importation into the Isle of Man of any of the following goods (not being goods manufactured in Great Britain or Northern Ireland), that is to say:—

Lace of cotton, silk, or other fibre, whether made by hand or machine;

Products (not being solid fabrics) of the machines known as the Leaver's lace machine, the lace curtain machine, the lace net machine, or the circular lace machine;

Embroidery manufactured on net or any fabric which, or the main part of which, is eliminated before the article reaches its final stage.

(2) In the case of any goods to which this section applies shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from, and produced or manufactured in the British Empire, the rate of duty shall be two-thirds of the full rate, and the provisions of subsections (1) and (2) of section eight of

the Finance Act, 1919, shall apply with respect to the preferential rates referred to in this section as they apply with respect to the preferential rates referred to in that section as though those provisions were herein set out and in terms made applicable to the rates referred to in this section, with the substitution of the Lieutenant-Governor of the Isle of Man for the Board of Trade.

Definition of value for purposes of ad valorem duties.

10.—(1) The value of any article for the purposes of sections six, seven and nine of this Act shall be taken to be the price which an importer would give for the article if the article were delivered freight and insurance paid in bond at the port of importation in Great Britain or Northern Ireland, or, in the case of importation direct into the Isle of Man from outside Great Britain or Northern Ireland, at the port of importation into the Isle of Man. Duty shall be paid on that value as fixed by the Commissioners of Customs and Excise:

Provided that, in the case of a motor car (including a motor bicycle and a motor tricycle) imported with tyres attached, the value of the tyres shall be deducted from the value of the car for the purpose of the charge of duty.

(2) Any dispute arising as to the proper rate of duty payable under this section shall, so far as the question of value is concerned, be referred to a referee appointed by the Lieutenant-Governor of the Isle of Man, and the decision of the referee shall be final and conclusive.

(3) If the decision of the referee involves any variation in the amount of duty payable, duty shall be paid or repaid, as the case may be, so as to correspond with that decision.

39 & 40 Vict. c. 36.

Sections thirty and thirty-one of the Customs Consolidation Act, 1876, shall, as respects any such dispute as to value, have effect as if an application for reference to a referee under this provision were substituted for the action or suit mentioned in those sections.

Short title.

11. This Act may be cited as the Isle of Man (Customs) Act, 1925.

SCHEDULE.

PART I.

DUTIES ON SILK AND ARTIFICIAL SILK.

Section 7.

Article.	Amount of duty.	
	s.	*d.*
SILK:		
Cocoons and waste of all kinds—		
Undischarged - - - - - the lb.	1	0
Wholly or in part discharged other than noils - - - - - ,, ,,	3	0
Noils - - - - - - ,, ,,	1	0
Raw—		
Undischarged - - - - - ,, ,,	3	0
Wholly or in part discharged - - ,, ,,	4	4
Yarn—		
Undischarged - - - - - ,, ,,	4	8
Wholly or in part discharged—		
Not being noil yarn - - - ,, ,,	6	8
Noil yarn - - - - - ,, ,,	1	5
Tissues—		
Undischarged - - - - - ,, ,,	5	3
Wholly or in part discharged—		
Noil tissue - - - - - ,, ,,	1	7
Tissue known as habutai not dyed or printed - - - - - ,, ,,	6	6
Other tissues - - - - - ,, ,,	7	9
ARTIFICIAL SILK:		
Waste - - - - - - - ,, ,,	1	0
Singles yarn and straw - - - - ,, ,,	2	0
Doubled or twisted thread advanced beyond the stage of singles yarn - - ,, ,,	3	0
Tissues - - - - - - - ,, ,,	3	6
ANY OTHER ARTICLES MADE WHOLLY OR IN PART OF SILK OR ARTIFICIAL SILK:		
Where the article is made wholly of silk or artificial silk, or where the value of the silk or artificial silk component exceeds twenty per cent. of the aggregate of the values of all the components of the article.	An amount equal to thirty-three and one-third per cent. of the value of the article.	

Article.	Amount of duty.
Where the value of the silk or artificial silk component exceeds five per cent., but does not exceed twenty per cent. of the aggregate of the values of all the components of the article.	An amount equal to ten per cent. of the value of the article.
Where the value of the silk or artificial silk component does not exceed five per cent. of the aggregate of the values of all the components of the article.	An amount equal to two per cent. of the value of the article.

PART II.

PROVISIONS AS TO DUTIES.

1. In calculating for the purpose of any duty the weight of any yarn or tissue the weight of any fibres other than silk or artificial silk or of any waterproofing materials in the yarn or tissue shall be excluded.

2. Where the weight of the moisture contained in any raw silk or silk yarn exceeds eleven per cent. of the weight of the article, any duty payable in respect thereof shall be decreased by one per cent. of the amount of the duty for every one per cent. of moisture contained in the article in excess of eleven per cent.

3. Where any article chargeable with a duty under this Schedule is also chargeable with a duty under section six of this Act, the duty under this Schedule shall not be charged except in so far as the amount thereof exceeds the amount of the duty charged under the said section three.

4. Where any article chargeable under this Schedule with a duty equal to a percentage of the value of the article is also chargeable with the duty on lace imposed by this Act, the value of the lace in the article shall be excluded in computing the value of the article for the purpose of the duty under this Schedule, and where any article chargeable with duty under this Schedule as a tissue is also chargeable with the duty on lace imposed by this Act, the duty under this Schedule shall not be charged except in so far as the amount thereof exceeds the amount of the lace duty.

5. Where a specified amount of duty is charged in respect of a specific weight of an article the amount of duty shall be increased or decreased proportionately in the case of any greater or less weight.

6. In this Schedule, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them respectively, that is to say:—

"Tissues" includes tissues of all kinds and of any width, whether woven or knitted;

"Discharged" means "from which the gum has been removed";

"Silk yarn" means thrown or spun silk, silk yarn and silk threads of all kinds;

"Artificial silk yarn" means artificial silk yarn, thread and straw.

CHAPTER 57.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-six, and to appropriate the Supplies granted in this Session of Parliament.

[7th August 1925.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

GRANT OUT OF CONSOLIDATED FUND.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of

Issue of £254,772,058 out of the Consolidated Fund.

the year ending on the thirty-first day of March, one thousand nine hundred and twenty-six, the sum of two hundred and fifty-four million seven hundred and seventy-two thousand and fifty-eight pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two hundred and fifty-four million seven hundred and seventy-two thousand and fifty-eight pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and twenty-six, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Act mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of four hundred and twenty-six million, two hundred and twenty-three thousand four hundred and eighty-five pounds, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule. 54 & 55 Vict. c. 24.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the air services respectively be not exceeded.

4.—(1) So long as the aggregate expenditure on naval and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval and air services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction for navy and air expenditure for 1923-1924 unprovided for.

5. Whereas under the powers given for the purpose by the Appropriation Act, 1923, surpluses arising on certain votes for the navy and air services respectively

13 & 14 Geo 5. c. 35.

have been applied as shown in the account set out in Schedule (C) to this Act:

It is enacted that the application of those surpluses as shown in the said account is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by the warrant:

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if such a declaration has been subscribed within a period of seven calendar months preceding the date of the payment.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short

7. This Act may be cited for all purposes as the Appropriation Act, 1925.

ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A.)

Section 3.

	£	s.	d.
Grants out of the Consolidated Fund -	426,223,485	0	0

SCHEDULE (B.)—APPROPRIATION OF GRANTS.

Section 3.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
1924–1925.	£	s.	d.	£	s.	d.
Part 1. Navy (Supplementary), 1924–1925 - - -	220,000	0	0	816,000	0	0
„ 2. Civil Services (Supplementary), 1924–1925 -	7,917,227	0	0	1,053,084	0	0
1925–1926.						
Part 3. Navy - - - - -	60,500,100	0	0	3,943,460	0	0
„ 4. Army - - - - -	44,500,000	0	0	9,833,000	0	0
Army (Ordnance Factories) - - - -	100	0	0	3,191,700	0	0
„ 5. Air - - - - -	15,513,010	0	0	5,806,300	0	0
£	120,513,210	0	0	22,774,460	0	0
Part 6. Civil Services, Class I. -	6,959,379	0	0	664,485	0	0
„ 7. Civil Services, Class II. -	11,366,638	0	0	8,050,658	0	0
„ 8. Civil Services, Class III. -	11,726,312	0	0	1,674,246	0	0
„ 9. Civil Services, Class IV. -	49,066,197	0	0	2,993,869	0	0
„ 10. Civil Services, Class V. -	7,890,440	0	0	703,591	0	0
Carried forward - £	87,008,966	0	0	14,086,849	0	0

SCHED. (B.) Appropriation of Grants.

SCHEDULE (B.)—APPROPRIATION OF GRANTS—*cont.*

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	*s.*	*d.*	£	*s.*	*d.*
Brought forward -	87,008,966	0	0	14,086,849	0	0
Part 11. Civil Services, Class VI. -	96,961,362	0	0	2,114,931	0	0
„ 12. Civil Services, Class VII. -	36,112,857	0	0	4,723,983	0	0
„ 13. Civil Services, Unclassified	13,141,228	0	0	3,547,842	0	0
TOTAL CIVIL SERVICES - £	233,224,413	0	0	24,473,605	0	0
Part 14. Revenue Departments, &c. -	64,348,635	0	0	2,476,669	0	0
GRAND TOTAL - £	426,223,485	0	0	51,593,818	0	0

SCHED. (A.)

SCHEDULE (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	*s.*	*d.*
For the service of the year ending on the 31st day of March 1925:—			
Under Act 15 Geo. 5. c. 8 - - -	8,137,227	0	0
For the service of the year ending on the 31st day of March 1926:—			
Under Act 15 Geo. 5. c. 8 - - -	163,314,200	0	0
Under this Act - - - -	254,772,058	0	0
TOTAL - - - -	426,223,485	0	0

SCHEDULE (B.)—PART 1.

SCHED. (B.) PART 1. Navy (Supplementary), 1924–1925.

NAVY (SUPPLEMENTARY), 1924–1925.

SCHEDULE of SUMS granted to meet additional expenditure on Navy Services for the year ended on the 31st day of March, 1925, viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote 4. Civilians employed on Fleet Services	14,900	—
Vote 8. Shipbuilding, Repairs, Maintenance, &c.:—		
Section I. Personnel	545,100	—
Section II. Matériel	197,300	—
Vote 9. Naval Armaments	15,700	—
Vote 10. Works, Buildings, and Repairs at Home and Abroad	134,100	—
Vote 11. Miscellaneous Effective Services	319,200	—
Vote 12. Admiralty Office	232,000	—
Vote 14. Non-Effective Services (Naval and Marine), Men	106,900	—
Amount anticipated to be written off as irrecoverable	15,000	—
	1,580,200	
	Gross Expenditure.	
Less Surpluses on—		
Vote 2. Victualling and Clothing for the Navy	27,300	17,400
Vote 3. Medical Establishments and Services	9,000	9,000
Vote 5. Educational Services	4,900	5,000
Vote 6. Scientific Services	20,500	17,200
Vote 7. Royal Naval Reserves	37,300	1,700
Vote 8. Shipbuilding, Repairs, Maintenance, &c.:—		
Section I. Personnel	—	82,000
Section II. Matériel	—	85,000
Section III. Contract Work	436,000	5,000
Vote 9. Naval Armaments	—	449,200
Vote 10. Works, Buildings, and Repairs at Home and Abroad	—	60,000
Vote 11. Miscellaneous Effective Services	—	78,500
Vote 13. Non-Effective Services (Naval and Marine), Officers	9,200	6,000
Total Surplus	544,200	816,000
	1,360,200	
Net Amount	220,000	

SCHED. (B.) PART 2. Civil Services (Supplementary), 1924–1925.

SCHEDULE (B.)—PART 2.

CIVIL SERVICES (SUPPLEMENTARY), 1924–1925.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1925, viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL SERVICES.		
CLASS I.	£	£
For expenditure in respect of Royal Palaces, including grant-in-aid -	1,600	2,750
For expenditure in respect of the royal parks and pleasure gardens - -	58,000	—
For expenditure in respect of diplomatic and consular buildings - -	4,020	—
For expenditure in respect of sundry public buildings in Great Britain, including historic buildings, ancient monuments and Brompton Cemetery	54,000	13,500
For expenditure in respect of the erection of houses by the Office of Works on behalf of local authorities proceeding with assisted housing schemes approved by the Ministry of Health in accordance with the provisions of the Housing, Town Planning, &c. Act, 1919 - -	10	1,990
For expenditure in respect of housing schemes under the management of the Office of Works - - -	61,975	9,750
For rates and contributions in lieu of rates, &c., in respect of Government property, and for rates on houses occupied by representatives of Foreign Powers, and for the salaries and expenses of the Rating of Government Property Department, and for a contribution towards the expenses of the London Fire Brigade	47,000	1,000
Carried forward - £	226,605	28,990

SCHEDULE (B.)—PART 2—*continued.*

CIVIL SERVICES—*cont.*	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	226,605	28,990
CLASS I.—*cont.*		
For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs, including the News Department -	11,000	*—17,000
For the salaries and expenses of the Department of Overseas Trade -	7,000	*—54,128
CLASS II.		
For the salaries and expenses of the Ministry of Agriculture and Fisheries, including expenses under the Agricultural Wages (Regulation) Act, 1924, a subsidy on sugar and molasses manufactured from beet grown in Great Britain, loans to agricultural co-operative societies, grants for agricultural education and research, grants in aid of the small holdings account, and certain other grants in aid; and of the Royal Botanic Gardens, Kew - - - -	268,000	—
For stationery, printing, paper, binding, and printed books for the public service; for the salaries and expenses of the Stationery Office; and for sundry Miscellaneous Services, including Reports of Parliamentary Debates -	45,000	—
For the salaries and expenses of the office of His Majesty's Secretary for Scotland and subordinate offices, expenses under the Inebriates Acts, 1879 to 1900, expenses under the Private Legislation Procedure (Scotland) Act, 1899, a subsidy for steamer services to the Hebrides, and grants in respect of unemployment schemes - - - - -	10	—
Carried forward - £	557,615	—42,138

* Deficit.

SCHED. (B.) PART 2. Civil Services (Supplementary), 1924–25.

SCHEDULE (B.)—PART 2—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL SERVICES—*cont.*	£	£
Brought forward - -	557,615	−42,138
CLASS III.		
For the salaries and expenses connected with the county courts, including bonus to county court judges - -	10	187,169
CLASS V.		
For sundry Colonial Services, including expenditure in connection with ex-service men in the Irish Free State, and certain grants-in-aid - -	10	—
For sundry Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants-in-aid - - - - -	10	—
To make good the net loss on transactions connected with the raising of money for the various Treasury Chests abroad in the year 1923–24 -	657	—
For a grant-in-aid to the Sudan Government - - - - - -	10	499,990
CLASS VI.		
For the expenses of pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows and children of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances, and certain extra statutory payments - - -	8,000	46,563
Carried forward - £	566,312	691,584

SCHEDULE (B.)—PART 2—*continued.*

SCHED. (B.) PART 2. Civil Services (Supplementary), 1924-25.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL SERVICES—*cont.*	£	£
Brought forward - -	566,312	691,584
CLASS VI.—*continued.*		
For the salaries and expenses of the Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916, the War Pensions Acts, 1915 to 1921, and sundry services - - - - -	2,096,000	22,000
For expenditure in connection with British Government exhibits and sundry displays at the British Empire Exhibitions, 1924 and 1925	158,500	14,500
For a grant-in-aid of the mission of His Royal Highness the Prince of Wales to South Africa, other parts of Africa, and South America - -	2,000	—
For a grant-in-aid of the Irish Sailors and Soldiers Land Trust - -	509,885	—
For a grant-in-aid of the Government Hospitality Fund - - - - -	17,500	—
CLASS VII.		
For the salaries and expenses of the Ministry of Health, including grants and other expenses in connection with housing, grants to local authorities, public utility companies, &c., sundry grants in respect of benefits and expenses of administration under the National Health Insurance Acts, 1911 to 1924, certain grants in aid, and certain special services arising out of the war - - -	10	—
Carried forward - £	3,350,207	728,084

SCHED. (B.) PART 2. Civil Services (Supplementary), 1924–25.

SCHEDULE (B.)—PART 2—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL SERVICES—*cont.*	£	£
Brought forward - -	3,350,207	728,084
CLASS VII—*cont.*		
For the salaries and expenses of the Scottish Board of Health, including grants and other expenses in connection with housing, grants to local authorities, &c., sundry grants in respect of benefits and expenses of administration under the National Health Insurance Acts, 1911 to 1924, certain grants in aid, and certain special services arising out of the war - - - - - - -	10	—
For the salaries and expenses of the Ministry of Labour and subordinate departments, including the contributions to the Unemployment Fund, and to special schemes, and payments to associations, local education authorities and others for administration under the Unemployment Insurance and Labour Exchanges Acts; expenditure in connection with the training of demobilised Officers, non-commissioned Officers and men, and nurses; grants for resettlement in civil life; and the expenses of the Industrial Court; also expenses in connection with the International Labour Organisation (League of Nations); and certain grants-in-aid - -	422,000	325,000
Carried forward - £	3,772,217	1,053,084

SCHEDULE (B.)—PART 2—*continued.*

SCHED. (B.) PART 2. Civil Services (Supplementary), 1924-25.

CIVIL SERVICES—*cont.*	Sums not exceeding: Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	3,772,217	1,053,084
UNCLASSIFIED SERVICES.		
For relief arising out of unemployment, including a grant-in-aid - - -	10	—
For a grant-in-aid of the revenues of the Government of Northern Ireland	1,250,000	—
To meet the balance of civil pay to certain civil servants who served with His Majesty's Forces during the great war - - - - - -	2,895,000	—
Total Civil Services - -	7,917,227	1,053,084

SCHEDULE (B.)—PART 3.

SCHED. (B.) PART 3. Navy.

NAVY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1926; viz.:—

No.	Sums not exceeding: Supply Grants.	Appropriations in Aid.
	£	£
1. For wages, &c., to 102,675 officers, seamen, and boys, and royal marines; and civilians employed on fleet services (revised sum) -	14,890,300	89,086
2. For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad (revised sum) -	4,332,830	943,500
3. For medical services, including the cost of medical establishments at home and abroad - - -	457,600	40,569
Carried forward - £	19,680,730	1,073,155

SCHED. (B.) PART 3. Navy.

SCHEDULE (B.)—PART 3—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	19,680,730	1,073,155
No.		
4. For the fleet air arm - - -	1,320,000	—
5. For educational services - -	336,000	72,531
6. For scientific services - - -	438,400	70,486
7. For the royal naval reserve, the royal fleet reserve, and the royal naval volunteer reserve, &c. -	486,000	1,080
8. Sect. 1. For the personnel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad (including a supplementary sum of 25,470*l.*) - - - - - -	7,887,470	165,348
„ Sect. 2. For the matériel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad (revised sum) - - - - - -	7,029,800	1,490,200
„ Sect. 3. For contract work for shipbuilding, repairs, &c. (including a supplementary sum of 429,800*l.*)	6,194,300	122,500
9. For naval armaments (including wages, &c., of 350 marine pensioner police and including a supplementary sum of 10,000*l.*) -	4,371,900	350,000
10. For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants in aid, and other charges connected therewith - - - - - -	2,588,000	440,000
11. For various miscellaneous effective services - - - - -	790,600	94,173
12. For the Admiralty Office - -	1,246,100	6,797
13. For non-effective services (naval and marine)—officers - -	2,889,800	21,963
14. For non-effective services (naval and marine)—men - - -	4,401,900	34,800
15. For civil superannuation, compensation allowances and gratuities	839,100	427
TOTAL NAVY SERVICES - £	60,500,100	3,943,460

SCHEDULE (B.)—PART 4.

SCHED. (B.) PART 4. Army.

ARMY.

SCHEDULE of the sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES and of the ARMY ORDNANCE FACTORIES which will come in course of payment during the year ending on the 31st day of March 1926.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Amount required for Army Services in 1925–26 - - - - - -	44,500,000	—
Estimated Receipts to be appropriated in Aid of Army Services in 1925–26 - - - - - -	—	9,833,000
ARMY (ORDNANCE FACTORIES).		
For the Ordnance Factories, the cost of the production of which will be charged to the Army, Navy, Air Force, &c. - - - - - -	100	3,191,700

SCHED. (B.) PART 5. Air.

SCHEDULE (B.)—PART 5.

AIR.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1926; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the pay, &c. of the Air Force to a number not exceeding 36,000	3,412,000	1,229,500
2.	For quartering, stores (except technical), supplies, and transport - - - - - - -	1,459,000	900,000
3.	For technical and warlike stores (including experimental and research services) - - -	5,650,000	2,931,000
4.	For works, buildings, repairs, and lands, including civilian staff, and other charges connected therewith - - - - -	2,572,000	510,300
5.	For medical services - - -	204,000	151,500
6.	For educational services - -	486,000	17,000
7.	For auxiliary and reserve forces -	348,000	1,000
8.	For Civil Aviation (including a supplementary sum of 10*l.*) -	357,010	12,500
9.	For meteorological and miscellaneous effective services - -	131,000	51,000
10.	For the Air Ministry - - -	751,000	1,000
11.	For rewards, half-pay, retired pay, widows' pensions, and other non-effective services - - -	143,000	1,500
	TOTAL AIR SERVICES £	15,513,010	5,806,300

SCHEDULE (B.)—PART 6.

SCHED. (B.) PART 6. Civil Services. Class I.

CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1926; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For expenditure in respect of royal palaces, including a grant in aid	120,140	12,950
2. For expenditure in respect of Osborne - - - - -	16,470	5,365
3. For expenditure in respect of the royal parks and pleasure gardens	226,410	32,250
4. For expenditure in respect of the Houses of Parliament buildings -	90,820	300
5. For expenditure in respect of miscellaneous legal buildings - -	85,270	1,200
6. For expenditure in respect of Art and Science buildings, Great Britain - - - - -	370,240	9,280
7. For expenditure in respect of diplomatic and consular buildings -	266,020	4,850
8. For expenditure in respect of Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, and certain Post Offices abroad -	1,374,300	17,900
9. For expenditure in respect of Employment Exchange, and Insurance buildings, Great Britain (including Ministries of Labour and Health) - - - - -	496,300	44,000
10. For expenditure in respect of sundry public buildings in Great Britain not provided for in other Votes, including Historic Buildings, Ancient Monuments and Brompton Cemetery - -	1,795,440	227,000
Carried forward - £	4,841,410	355,095

SCHED. (B.) PART 6. Civil Services. Class I.

SCHEDULE (B.)—PART 6—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	4,841,410	355,095
No. 10A. For expenditure in respect of the erection of houses by the Office of Works on behalf of Local Authorities proceeding with assisted Housing Schemes approved by the Ministry of Health in accordance with the provisions of the Housing, Town Planning, &c. Act, 1919 - - - -	10	9,490
10B. For expenditure in respect of Housing schemes under the management of the Office of Works - - - - - -	20,565	140,420
10C. For a contribution to the cost of the improvement of the approach to the Mall - - - - -	9,000	—
11. For the expenses of the survey of Great Britain, and for minor services connected therewith -	160,900	87,150
12. For the expenses of constructing a new harbour of refuge at Peterhead - - - - - -	32,000	—
13. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the Public Service, and for rates on houses occupied by Representatives of Foreign Powers, and for salaries and expenses of the Rating of Government Property Department, and for a contribution towards the expenses of the London Fire Brigade - - - - - -	1,804,564	67,200
14. For expenditure in respect of public works and buildings in Ireland - - - - - -	90,930	5,130
TOTAL CIVIL SERVICES, CLASS I. £	6,959,379	664,485

SCHEDULE (B.)—PART 7.

SCHED. (B.) PART 7. Civil Services. Class II.

CIVIL SERVICES.—CLASS II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1926; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the offices of the House of Lords - - - - - -	55,860	4,000
2.	For the salaries and expenses of the House of Commons - -	362,748	14,500
3.	For the salaries and other expenses in the department of His Majesty's Treasury and subordinate departments - - - - - -	315,807	29,215
4.	For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices, including Liquidation Expenses of the Royal Irish Constabulary and extra-statutory contributions towards the expenses of a system of Probation -	418,744	74,643
5.	For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs - - - - - -	193,170	106,257
6.	For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies, and of the Department of His Majesty's Secretary of State for Dominion Affairs (including a supplementary sum of 10*l.*) -	177,483	—
	Carried forward - £	1,523,812	228,615

SCHED. (B.) PART 7. Civil Services. Class II.

SCHEDULE (B.)—PART 7—*continued.*

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
	Brought forward -	1,523,812	228,615
7.	For a contribution towards the cost of the department of His Majesty's Secretary of State for India in Council, including a grant in aid	115,500	—
8.	For the salaries and expenses of the department of His Majesty's most Honourable Privy Council -	10,871	4,750
9.	For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including certain Services arising out of the War - - - - -	534,714	1,023,357
9A.	For expenditure arising out of contracts dated 9th April 1918, and 3rd March 1922, entered into with the Zinc Producers' Association Proprietary, Limited, for the purchase of Zinc Concentrates - - - - - -	259,000	1,571,000
10.	For the salaries and expenses of the Department of Overseas Trade - - - - - -	344,907	66,243
11.	For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine, including the Coastguard, General Register and Record Office of Shipping and Seamen, Merchant Seamen's Fund Pensions and grants to the General Lighthouse Fund and other Lighthouse Authorities -	425,035	288,562
12.	For the salaries and expenses of the Board of Trade, under the Bankruptcy Act, 1914 - -	10	183,592
	Carried forward - £	3,213,849	3,366,119

SCHEDULE (B.)—PART 7—*continued.*

SCHED. (B.) PART 7. Civil Services. Class II.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	3,213,849	3,366,119
No.		
13. For the salaries and expenses of the Mines Department of the Board of Trade - - - -	169,545	6,037
14. For the salaries and expenses of the Ministry of Agriculture and Fisheries, including a subsidy on sugar and molasses manufactured from beet grown in Great Britain, expenses under the Agricultural Wages (Regulation) Act, 1924, loans to agricultural co-operative societies, grants for Agricultural Education and Research, a grant in aid of the Small Holdings Account, and certain other grants in aid; and of the Royal Botanic Gardens, Kew - - - -	2,840,386	561,006
15. For a grant in aid of the Forestry Fund - - - - -	300,000	—
16. For the salaries and expenses of the Ministry of Transport under the Ministry of Transport Act, 1919, expenses of the Railway Rates Tribunal under the Railways Act, 1921, expenses under the London Traffic Act, 1924, expenses in respect of advances under the Light Railways Act, 1896, expenses of maintaining Holyhead Harbour, advances to meet deficit in Ramsgate Harbour Fund, advances to Caledonian and Crinan Canals; and for expenditure in connection with the Technical Survey for a general scheme of Generation and Transmission of Electricity in Great Britain (including a supplementary sum of 15,000*l.*) - - -	134,293	142,858
Carried forward - £	6,658,073	4,076,020

SCHED. (B.) PART 7. Civil Services. Class II.

SCHEDULE (B.)—PART 7—*continued.*

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
	Brought forward - -	6,658,073	4,076,020
17.	For the salaries and expenses of the Charity Commission for England and Wales - - - -	42,951	—
18.	For the salaries and expenses of the Department of the Government Chemist - - - -	55,876	—
19.	For the salaries and expenses of the Civil Service Commission -	62,649	—
20.	For the salaries and expenses of the department of the Comptroller and Auditor General -	150,935	6,966
21.	For the salaries and expenses of the Registry of Friendly Societies	45,308	4,000
22.	For the salaries and expenses of the department of the Government Actuary - - - -	39,049	—
23.	For the salaries and expenses of the Board of Control (Lunacy and Mental Deficiency), England, and grants in respect of the maintenance of certain ex-service mental patients - - - - -	547,804	10,307
24.	For the salaries and expenses of the Mint, including the expenses of coinage, and for the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - -	500,000	2,296,000
25.	For the salaries and expenses of the National Debt Office - -	16,995	13,980
26.	For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - -	37,122	—
	Carried forward - £	8,156,762	6,407,273

SCHEDULE (B.)—PART 7—*continued.*

SCHED. (B.) PART 7. Civil Services. Class II.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	8,156,762	6,407,273
27.	For the salaries and expenses of the establishment under the Public Works Loan Commissioners -	10	25,317
28.	For the salaries and expenses of the department of the Registrar General of Births, &c. - -	83,218	22,200
29.	For the salaries and expenses of the State Management Districts, including the salaries of the central office and the cost of acquisition and management of licensed premises - - -	100	731,575
30.	For stationery, printing, paper, binding, and printed books for the public service, for the salaries and expenses of the Stationery Office, and for sundry miscellaneous services, including reports of Parliamentary Debates -	1,563,809	685,000
31.	For the salaries and expenses in the office of Commissioners of Crown Lands, including bonus to Commissioner and Secretary -	27,289	—
32.	For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings - - -	563,420	79,000
33.	For His Majesty's foreign and other secret services - - - -	180,000	—
34.	For the salaries and expenses of the office of the Lord Privy Seal	2,409	—
	Carried forward - £	10,577,017	7,950,365

SCHED. (B.) PART 7. Civil Services. Class II.

SCHEDULE (B.)—PART 7—*continued.*

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
	Brought forward - -	10,577,017	7,950,365
35.	For the salaries and expenses of the office of His Majesty's Secretary for Scotland and subordinate offices, expenses under the Inebriates Acts, 1879 to 1900, expenses under the Private Legislation Procedure (Scotland) Act, 1899; a subsidy for steamer services to the Hebrides; and grants in respect of unemployment schemes - - - -	193,808	5,790
36.	For the salaries and expenses of the Board of Agriculture for Scotland, including grants for agricultural education and training, loans to co-operative societies, and certain grants in aid	385,775	66,723
37.	For the salaries and expenses of the Fishery Board for Scotland, including expenses of marine superintendence, loans to herring fishermen for the purchase of drift nets, and grants in aid of piers or quays - - -	75,515	24,810
38.	For the salaries and expenses of the General Board of Control for Scotland and grants in respect of the maintenance of certain ex-service mental patients -	75,954	550
39.	For the salaries and expenses of the department of the Registrar General of Births, &c., in Scotland - - - - - -	15,532	2,000
40.	For certain Northern Ireland services, including expenditure in connection with ex-service officers and men in Northern Ireland - - - - -	43,037	420
	TOTAL CIVIL SERVICES, CLASS II. - £	11,366,638	8,050,658

SCHEDULE (B.)—PART 8.

SCHED. (B.) PART 8.

CIVIL SERVICES.—CLASS III.

Civil Services. Class III.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1926; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries of the law officers department, the salaries and expenses of the departments of His Majesty's Procurator-General, and of the Solicitor for the Affairs of His Majesty's Treasury, and of the department of the Director of Public Prosecutions, for the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - - -	225,904	40,000
2.	For certain miscellaneous legal expenses, for the salaries and expenses of Arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, for the salaries and expenses of the War Compensation Court under the Indemnity Act, 1920, and for a grant in aid of the expenses of the Incorporated Law Society of England - - - - -	52,645	—
3.	For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, including bonus on certain statutory salaries, and the salaries and expenses of Pensions Appeals Tribunals -	415,135	126,705
	Carried forward - £	693,684	166,705

SCHED. (B). PART 8. Civil Services. Class III.

SCHEDULE (B.)—PART 8—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward -	693,684	166,705
4.	For the salaries and expenses of the office of Land Registry -	95,390	—
5.	For the salaries and expenses of the office of Public Trustee -	10	222,156
6.	For the salaries and expenses connected with the County Courts, including bonus to County Court Judges - - - - - -	10	681,141
7.	For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District, bonus to Metropolitan Police Magistrates, the contribution towards the expenses of the Metropolitan Police, the salaries and expenses of the Inspectors of Constabulary, and other Grants in respect of Police Expenditure, including places of detention and a grant in aid of the Police Federation - -	6,394,897	180
8.	For the expenses of the prisons in England and Wales - - -	1,012,302	243,500
9.	For grants in respect of the maintenance of juvenile offenders in reformatory and industrial schools, and in auxiliary homes in England and Wales, and whilst under supervision; also for the payment of salaries and other expenses in connection with the collection of parental contributions towards the maintenance of children - - -	303,063	21,050
	Carried forward - £	8,499,356	1,334,732

SCHEDULE (B.)—PART 8—*continued.*

SCHED. (B.) PART 8. Civil Services. Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	8,499,356	1,334,732
No.		
10. For the expenses of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum -	76,168	4,754
11. For the salaries and expenses of the Lord Advocate's department and other law charges, the salaries and expenses of the Courts of Law and Justice and of Pensions Appeals Tribunals in Scotland, and bonus on certain statutory salaries - - - - - -	88,232	115,000
12. For the salaries and expenses of the office of the Scottish Land Court, including bonus to members of the Court - -	10,519	—
13. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - - - - - -	74,831	—
14. For grants in respect of Police Expenditure and for a grant in aid of the Police Federation in Scotland - - - - - -	765,000	—
15. For the salaries and expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory, the preparation of judicial statistics, and a grant for certain expenses connected with discharged prisoners - -	162,714	34,950
Carried forward - £	9,676,820	1,489,436

SCHED. (B.) PART 8. Civil Services. Class III.

SCHEDULE (B.)—PART 8—*continued.*

No.		Sums not exceeding Supply Grants.	Sums not exceeding Appropriations in Aid.
		£	£
	Brought forward - -	9,676,820	1,489,436
16.	For the expense of the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools, and in auxiliary homes in Scotland, including the expenses of collection of parental contributions - - - -	75,601	3,500
17.	For such of the salaries and expenses of the Supreme Court of Judicature of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other expenses	46,152	800
18.	For the salaries and expenses of the Land Purchase Commission in Northern Ireland, including the payment of Land Purchase Annuities in Northern Ireland and the expenses of certain Land Purchase Services in the Irish Free State reserved as an imperial liability - -	1,927,739	180,510
	TOTAL CIVIL SERVICES, CLASS III. £	11,726,312	1,674,246

SCHEDULE (B.)—PART 9.

SCHED. (B.) PART 9. Civil Services. Class IV.

CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1926; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid - - - -	40,652,754	2,460,476
2.	For the salaries and other expenses of the British Museum, and of the Natural History Museum, including certain grants in aid - -	295,941	18,341
3.	For the salaries and expenses of the National Gallery, and of the National Gallery of British Art, Millbank, including a grant in aid for the purchase of pictures -	29,910	3,750
4.	For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits - - -	7,731	830
5.	For the salaries and expenses of the Wallace Collection - - -	12,977	2,000
6.	For the salaries and expenses in respect of the London Museum, Lancaster House - - -	4,926	1,032
7.	For the salaries and expenses of the Imperial War Museum - -	12,522	850
	Carried forward - £	41,016,761	2,487,279

SCHED. (B.) PART 9. Civil Services. Class IV.

SCHEDULE (B.)—PART 9—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward -	41,016,761	2,487,279
8.	For sundry grants in aid of scientific investigation, &c., and other grants - - - - - -	200,187	—
9.	For the salaries and expenses of the Department of Scientific and Industrial Research, including the Geological Survey of Great Britain, the Museum of Practical Geology, and a grant in aid - - - - - -	380,263	117,619
10.	For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in Great Britain, and of the expenses under the Welsh Intermediate Education Act, 1889 - - -	1,580,500	—
11.	For public education in Scotland, and for the Royal Scottish Museum, Edinburgh, including a grant in aid (including a supplementary sum of 32,703*l.*) -	5,877,805	388,788
12.	For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - - - - -	10,681	183
	TOTAL CIVIL SERVICES, CLASS IV. - - - - - £	49,066,197	2,993,869

SCHEDULE (B.)—PART 10.

SCHED. (B.) PART 10.

Civil Services. Class V.

CIVIL SERVICES.—CLASS V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1926; viz.:—

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
1.	For the expenses in connection with His Majesty's embassies, missions, and consular establishments abroad, and other expenditure chargeable to the Consular Vote, relief of refugees from the Near East, certain special grants and sundry services arising out of the War (including a supplementary sum of 60,000*l.*) - -	1,154,124	599,040
2.	For sundry colonial services, including expenditure in connection with ex-service men in the Irish Free State and certain grants in aid (including a supplementary sum of 8,000*l.*) -	1,224,207	—
3.	For the expenses connected with Oversea Settlement, including certain grants in aid and expenses arising out of the Empire Settlement Act, 1922, and the Free Passage Scheme for ex-service men and women - - -	497,925	100,000
	Carried forward - £	2,876,256	699,040

SCHED. (B.) PART 10. Civil Services. Class V.

SCHEDULE (B).—PART 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	2,876,256	699,040
No. 4. For sundry Middle Eastern services under His Majesty's Secretary of State for the Colonies including certain non-effective services and grants in aid (including a supplementary sum of 155,000*l.*) -	4,925,000	—
5. For a grant in aid of the expenses of the League of Nations and for other expenses in connection therewith, including British Representation before the Permanent Court of International Justice - - - - - -	72,500	—
6. For a grant in aid of the expenses of a system of submarine cables and wireless telegraph stations in the West Indian Islands and British Guiana - - - -	16,684	4,551
TOTAL CIVIL SERVICES, CLASS V. - - - - £	7,890,440	703,591

SCHEDULE (B.)—PART 11.

SCHED. (B.) PART 11. Civil Services. Class VI.

CIVIL SERVICES.—CLASS VI.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1926; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For superannuation, compensation, compassionate and additional allowances and gratuities under sundry Statutes, for compassionate allowances, gratuities and supplementary pensions awarded by the Treasury, and, under the Government of Ireland Act, 1920, by the Civil Service Committee; and for the salary of the medical referee, &c. - - -	1,364,879	98,000
2.	For the expenses of pensions, compensation allowances, and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows and children of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra statutory payments - -	687,005	1,239,641
3.	For Old Age Pensions, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920 - - - - -	26,856,000	6,000
	Carried forward - £	28,907,884	1,343,641

SCHED. (B.) PART II. Civil Services. Class VI.

SCHEDULE (B.)—PART II—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	28,907,884	1,343,641
No.		
4. For the salaries and expenses of the Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916, the War Pensions Acts, 1915 to 1921, and sundry services -	66,026,000	60,000
5. For War pensions and allowances (including cost of treatment) to merchant seamen and fishermen and their dependants, and the administrative expenses connected therewith - - -	467,971	—
6. For certain miscellaneous expenses, including certain grants in aid and bonus on certain statutory salaries - - - - -	4,321	13,800
7. For the salaries and other expenses of Royal Commissions, Committees, and Special Inquiries, &c., including provision for Shorthand and the expenses of surplus stores, &c., liquidation - -	45,000	599,990
8. For the salaries and expenses of the National Savings Committee	79,919	—
9. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom, and a grant in aid of the Imperial War Graves Commission Fund formed under Royal Charter, 10th May 1917 - - - -	726,028	—
Carried forward - £	96,257,123	2,017,431

SCHEDULE (B.)—PART 11—*continued.*

SCHED. (B.) PART 11. Civil Services. Class VI.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward -	96,257,123	2,017,431
10.	For making good certain sums written off from the assets of the Local Loans Fund, together with certain sums due in respect of advances in Northern Ireland -	99,200	—
11.	For expenses under the Representation of the People Act, 1918 -	306,000	—
12.	For a grant-in-aid of the Development Fund - - - - -	140,000	—
13.	For expenditure in connection with the British Government Exhibit and sundry displays at the British Empire Exhibition, 1925 - - - - - -	44,500	97,500
14.	For a grant-in-aid of the Government Hospitality Fund - -	20,000	—
15.	For repayment to the Civil Contingencies Fund of certain miscellaneous advances - -	94,539	—
	TOTAL CIVIL SERVICES, CLASS VI. £	96,961,362	2,114,931

SCHED. (B.) PART 12.

Civil Services. Class VII.

SCHEDULE (B.)—PART 12.

CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1926; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. 1. For the salaries and expenses of the Ministry of Health; including grants and other expenses in connection with Housing, grants to local authorities, &c., in connection with Public Health and Unemployment Services, sundry grants in respect of benefits and expenses of administration under the National Health Insurance Act, 1924, certain grants in aid, and certain special services -	19,525,977	195,770
2. For the salaries and expenses of the Scottish Board of Health, including grants and other expenses in connection with Housing, grants to local authorities, &c., grants in respect of benefits and expenses of administration under the National Health Insurance Act, 1924, and certain grants in aid - - - - - - - -	2,556,885	64,288
Carried forward - £	22,082,862	260,058

SCHEDULE (B.)—PART 12—*continued.*

SCHED. (B.) PART 12. Civil Services. Class VII.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward -	22,082,862	260,058
No. 3. For the salaries and expenses of the Ministry of Labour and Subordinate Departments, including the contributions to the Unemployment Fund, and payments to associations, Local Education Authorities and others for administration under the Unemployment Insurance and Labour Exchanges Acts; expenditure in connection with the training of demobilised officers, non-commissioned officers and men and nurses; grants for resettlement in civil life; and the expenses of the Industrial Court; also expenses in connection with the International Labour Organisation (League of Nations) including a grant in aid - - -	13,859,209	4,460,825
4. For the salaries and expenses of the audit staff under the National Insurance Act, 1911 - - -	164,640	3,100
5. For making good the deficiency on the Income Account of the Fund for Friendly Societies -	6,146	—
TOTAL CIVIL SERVICES, CLASS VII. - £	36,112,857	4,723,983

SCHED. (B.) PART 13. Unclassified Services.

SCHEDULE (B.)—PART 13.

UNCLASSIFIED SERVICES.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1926; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For grants to local authorities, &c., in Great Britain for assistance in carrying out approved schemes of useful work to relieve unemployment - - - - -	550,000	—
2.	For relief arising out of unemployment (including a supplementary sum of 170,000*l.*) - - -	1,916,000	—
3.	To provide for guarantees in respect of exports of goods wholly or partly produced or manufactured in the United Kingdom -	10,000	40,000
4.	For compensation for personal injuries, and for use of, or malicious damage to, property, including advances on account of prospective awards of compensation under the Damage to Property (Compensation) Act of the Irish Free State or on the security of stock issued under that Act, ex-gratia grants awarded in respect of damage to property sustained during the rebellion in Ireland in 1916, grants to refugees for the relief of distress; and advances in respect of rent and other sums payable under the Land Act, 1923, of the Irish Free State -	440,620	950
	Carried forward - £	2,916,620	40,950

SCHEDULE (B.)—PART 13—*continued.*

SCHED. (B.) PART 13. Unclassified Services.

No.		Sums not exceeding Supply Grants.	Sums not exceeding Appropriations in Aid.
		£	£
	Brought forward - -	2,916,620	40,950
5.	For the salaries and expenses in connection with Shipping Liquidation - - - -	10	3,506,490
6.	For expenditure arising from the Government control of railways in Great Britain and Ireland under the Regulation of the Forces Act, 1871, section 16 -	99,598	402
7.	For claims in respect of ships or cargoes condemned as naval prize or detained and certain salaries for advisory duties - - -	45,000	—
8.	For grants in respect of compensation for suffering and damage by enemy action - - -	80,000	—
9.	For a subvention in aid of wages in the Coal Mining Industry -	10,000,000	—
	TOTAL UNCLASSIFIED CIVIL SERVICES £	13,141,228	3,547,842

SCHED. (B.) PART 14. Revenue Departments, &c.

SCHEDULE (B.)—PART 14.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1926; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Customs and Excise Department - - - - - -	4,720,000	253,000
2.	For the salaries and expenses of the Inland Revenue Department	6,670,635	53,125
3.	For the salaries and expenses of the Post Office, including Telegraphs and Telephones - -	52,958,000	2,170,544
	TOTAL REVENUE DEPARTMENTS - £	64,348,635	2,476,669

SCHED. (C.) Navy Services. Section 5.

SCHEDULE (C).

NAVY SERVICES, 1923-24. VOTES.	Excesses.	Surpluses applied.
	£ s. d.	£ s. d.
1. Wages, &c. of Officers, Seamen and Boys, Coastguard and Royal Marines - -	171,169 17 10	—
8. Shipbuilding, Repairs, Maintenance, &c.:		
Section I.—Personnel -	109,101 14 0	—
Section II.—Matériel -	55,811 11 2	—
13. Non-Effective Services (Naval and Marine) Officers - -	41,937 10 0	—
14. Non-Effective Services (Naval and Marine) Men - -	65,248 19 2	—
15. Civil Superannuation, Compensation Allowances and Gratuities - - - -	31,361 3 2	—
Balances irrecoverable - - -	33,864 0 3	—
Navy Votes generally - - -	—	4,444,145 0 8
	508,494 15 7	4,444,145 0 8
	NET SURPLUS	£3,935,650 5 1

SCHED. (C.) Air Services. Section 5.

AIR SERVICES, 1923-24. VOTES.	Excesses.	Surpluses applied.
	£ s. d.	£ s. d.
3. Technical and Warlike Stores (including Experimental and Research Services) - -	16,367 19 10	—
Balances irrecoverable - - -	5,950 2 6	—
Air Votes generally - - -	—	1,528,014 6 6
	22,318 2 4	1,528,014 6 6
	NET SURPLUS	£1,505,696 4 2

CHAPTER 58.

An Act to authorise buildings to be erected on a disused burial ground forming part of Greenwich Hospital. [7th August 1925.]

WHEREAS by an agreement dated the twenty-fourth day of November, nineteen hundred and twenty-four (hereinafter referred to as "the agreement"), made between the Admiralty and the Seamen's Hospital Society, the Admiralty agreed to lease to the said Society certain lands, delineated on the plan annexed to the agreement, forming part of Greenwich Hospital:

And whereas a portion of the said land is a disused burial ground within the meaning of the Disused Burial Grounds Act, 1884, as amended by the Open Spaces Act, 1887 (which Acts are hereinafter referred to as "the said Acts"):

47 & 48 Vict. c. 72.
50 & 51 Vict. c. 32.

And whereas under the terms of the agreement permission was given to the said Society, subject to the approval of the Admiralty, to erect on the disused burial ground certain buildings in extension of the Dreadnought Seamen's Hospital at Greenwich:

And whereas the object aforesaid cannot be effected without the authority of Parliament:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to erect buildings on leased land.

1. Subject to the provisions of the agreement with respect to the removal and re-interment of human remains and otherwise, nothing in the said Acts shall prevent the erection of buildings on any of the land leased by the Admiralty to the Seamen's Hospital Society under the agreement.

Short title.

2. This Act may be cited as the Greenwich Hospital (Disused Burial Ground) Act, 1925.

CHAPTER 59.

An Act to make provision with respect to the grant of superannuation allowances and gratuities to teachers and to persons employed in the control or supervision of teachers and to their legal personal representatives and to amend the Elementary School Teachers (Superannuation) Act, 1898, and the School Teachers (Superannuation) Acts, 1918 to 1924.

[7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

APPLICATION.

Application of Act.

1.—(1) In the case of teachers who after the commencement of this Act are employed in contributory service within the meaning of Part II. of this Act, the provisions of the said Part II. shall have effect in substitution for the provisions of the School Teachers (Superannuation) Acts, 1918 to 1924, and superannuation allowances and gratuities shall be granted to and in respect of all such teachers accordingly:

Provided that—

(*a*) Nothing in this Act shall affect the right of any person to a deferred annuity under the Elementary School Teachers (Superannuation) Act, 1898, as amended by sections twelve and thirteen of the School Teachers (Superannuation) Act, 1918; and

61 & 62 Vict. c. 57.

(*b*) Part II. of this Act shall not apply to any certificated teacher who gave notice under section four of the School Teachers (Superannuation) Act, 1918, that he did not accept

8 & 9 Geo. 5. c. 55.

that Act, unless within three months after the commencement of this Act he gives notice to the Board of Education (hereinafter referred to as "the Board") that he accepts Part II. of this Act.

(2) In the case of teachers who are not employed as aforesaid the provisions of section eight of this Act shall have effect, and the provisions of the Elementary School Teachers (Superannuation) Act, 1898, and of the School Teachers (Superannuation) Acts, 1918 to 1924, shall continue to have effect subject to the amendments contained in Part III. of this Act.

PART II.

PERMANENT PROVISIONS.

Kinds of service in respect of which superannuation allowances and gratuities may be granted.

2.—(1) The kinds of service in respect of which superannuation allowances and gratuities may be granted under this Part of this Act shall be as follows:—

(*a*) "Recognised service," that is to say, service before the commencement of this Act, which is—

(i) recognised service within the meaning of the School Teachers (Superannuation) Acts, 1918 to 1924, as amended by this Act; or

(ii) determined by the Board to be such full time service as a teacher as would, if it had been service wholly in the capacity of a teacher, have been recognised service within the meaning of the last-mentioned Acts as amended by this Act; or

(iii) grant-aided service in the capacity of a teacher in full-time service otherwise than in a school in the employment of a local education authority and approved by the Board for this purpose;

(iv) determined by the Board to be full-time service in England or Wales in the capacity of a teacher during any period

before the first day of April, nineteen hundred and nineteen, in any school (not being a school conducted for private profit) other than such a school as is mentioned in paragraphs (i), (ii), (iii), (iv), or (vi) of section eighteen of the School Teachers (Superannuation) Act, 1918, so, however, that not more than ten years' service in any such school shall be recognised service for the purposes of this Part of this Act, and no such service shall be so recognised unless the teacher has been employed in some other form of recognised or contributory service for not less than ten years; or

(v) service since the thirty-first day of March, nineteen hundred and nineteen, which, but for the provisions of subsection (1) of section one of the Elementary School Teachers (Superannuation) Act, 1898, or of paragraph (ii) of section four of the School Teachers (Superannuation) Act, 1918, would have been recognised service within the meaning of the last mentioned Act as amended by this Act:

Provided that, except where otherwise expressly provided, no period of service after the thirty-first day of May, nineteen hundred and twenty-two, shall be treated as recognised service unless the contributions, which were required under the School Teachers (Superannuation) Act, 1922, as amended by the School Teachers (Superannuation) Act, 1924, in respect of recognised service within the meaning of those Acts during that period, are paid within the prescribed time.

12 & 13 Geo. 5. c. 42.
14 & 15 Geo. 5. c. 12.

(*b*) "Contributory service," that is to say, service as a teacher after the commencement of this Act which the Board determine to be full time service either—

(i) in the capacity of a certificated or uncertificated teacher or a teacher of a

special subject, in or in connection with a public elementary school; or

(ii) in the capacity of a certificated or uncertificated teacher or of a teacher of such other kind as may be prescribed, in a school certified under Part IV. of the Children Act, 1908, or under Part V. of the Education Act, 1921; or

8 Edw. 7. c. 67. 11 & 12 Geo. 5. c. 51.

(iii) in the capacity of a certificated teacher in service which is recognised service within the meaning of the School Teachers (Superannuation) Act, 1918, by virtue of the provisions of paragraph (v) of section eighteen of that Act; or

(iv) in the capacity of a teacher of such kind as may be prescribed, in a grant-aided nursery school; or

(v) in the capacity of a certificated or uncertificated teacher in a certified institution under the Mental Deficiency Act, 1913; or

3 & 4 Geo. 5. c. 28.

(vi) in the capacity of a teacher in any other grant-aided school; or

(vii) in the capacity of a teacher in grant-aided service, otherwise than in a school, in the employment of a local education authority, and approved by the Board for this purpose:

(viii) in the capacity of a teacher in a school which though not grant-aided was approved by the Treasury for the purposes of paragraph (vii) of section eighteen of the School Teachers (Superannuation) Act, 1918, during any period in which the school satisfies the conditions mentioned in that paragraph, except where the Board upon the application of the persons responsible for the management of any such school, determine that service in that school shall not be treated as contributory service:

Provided that—

(*a*) no service in respect of which contributions are payable under the Poor Law

Officers Superannuation Act, 1896, or under the Asylums Officers Superannuation Act, 1909, as amended by the Asylums and Certified Institutions (Officers' Pensions) Act, 1918, shall be deemed to be contributory service; and

59 & 60 Vict. c. 50. 9 Edw. 7. c. 48. 8 & 9 Geo. 5. c. 33.

(*b*) if in respect of any period of service after the commencement of this Act for which contributions are required to be paid under this Part of this Act, such contributions are not paid within the prescribed time, that period shall, unless the Board otherwise direct, and without prejudice to the power of the Board to recover any such contributions, be treated as not having been a period of service in contributory service.

(2) For the purposes of this Part of this Act—

(*a*) a teacher may be deemed to be employed in full-time service in a grant-aided school if the Board is satisfied that he is employed in full-time service, which is mainly and primarily service in the capacity of a teacher in such a school, and, in so far as it is not such service, is service in some other school under the same management as, and educationally connected with, a grant-aided school; and

(*b*) service may be deemed to be service as a teacher if the Board are satisfied either that the employment is wholly in the capacity of a teacher or that it is mainly and primarily in the capacity of a teacher and that any other duties of the employment are educational duties connected with the duties in that capacity.

Qualifications for grant of superannuation allowances.

3.—(1) Subject to the provisions of this Act, the Board shall grant such superannuation allowances as are hereinafter in this section mentioned to any teacher who—

(*a*) has attained the age of sixty years and been employed for not less than thirty years in employment which is recognised, contributory or qualifying service, and of which not less than ten years was recognised or contributory service

and not less than the prescribed period was after the thirty-first day of March, nineteen hundred and nineteen; or

(*b*) being a teacher to whom the Elementary School Teachers (Superannuation) Act, 1898, applied on the first day of April, nineteen hundred and nineteen, has attained the age of sixty years and been employed in service which is recognised or contributory service for periods equal in the aggregate to not less than half the number of years between the date on which he became a certificated teacher and the date on which he attained or will attain the age of sixty-five years; or

(*c*) has attained the age of sixty years, been employed for not less than ten years in service which is recognised or contributory service, and been so employed for periods equal in the aggregate to not less than two-thirds of the number of years between the date on which he was first employed in contributory or recognised service and the date on which he attained or will attain the age of sixty-five years; or

(*d*) having been employed in service which is recognised service or contributory service for not less than ten years and having been so employed within the prescribed time before the date on which he applies for a superannuation allowance under this section, has, before attaining the age of sixty-five years, in the opinion of the Board, become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in contributory service.

(2) In the case of a teacher who is or has been a married woman, the aforesaid period of thirty years shall be reduced by the number of completed years (but not exceeding in any case ten) during which she was while married absent from recognised, contributory or qualifying service.

(3) The superannuation allowances to be granted under this section are—

(*a*) an annual allowance during life of an amount not exceeding one-eightieth of the average salary of the teacher in respect of each completed year

of service which was recognised or contributory service or one-half of the average salary, whichever is the less; and

(*b*) by way of additional allowance, a lump sum not exceeding an amount equal to one-thirtieth of the average salary of the teacher in respect of each completed year of service which was recognised or contributory service, or to one-and-a-half times the average salary, whichever is the less: Provided that, if a teacher to whom an additional allowance has been granted is again employed in contributory service, a subsequent additional allowance may be granted to him only if the employment continues for periods amounting in the aggregate to more than twelve months, and there shall be deducted from any additional allowance so granted to a teacher an amount equal to the amount of any additional allowance or short service gratuity previously paid to him.

(4) An annual superannuation allowance shall not begin to accrue and, subject as hereinafter provided, an additional allowance shall not be paid, before the date on which the teacher ceases to be employed in contributory service or the date on which he ceases to be entitled to pay in respect of the employment in which he was employed when his contributory service terminated, whichever may be the later:

Provided that, in any case where a death gratuity is not payable in respect of a deceased teacher, the Board shall, subject to the provisions of this Act, grant to his legal personal representatives a gratuity of an amount equal to the additional allowance which would have been payable to the teacher but for the provisions of this subsection.

Short service gratuities

4. Where a teacher who is not qualified for the grant of an annual superannuation allowance has been employed in service which is recognised or contributory service for not less than the prescribed period after the thirty-first day of March, nineteen hundred and nineteen, and within the prescribed period before the date on which he applies for a gratuity under this section, and has, in the opinion of the Board, before attaining the age of sixty-five years, become permanently incapable through infirmity of mind or body of serving efficiently

as a teacher in contributory service, the Board shall, subject to the provisions of this Act, grant to him a short service gratuity of an amount not exceeding one-twelfth of his average salary in respect of each completed year of recognised service or contributory service.

Death gratuities to legal personal representatives of deceased teachers.

5.—(1) Subject to the provisions of this Act, the Board shall grant to the legal personal representatives of a teacher who has been employed in service which is recognised or contributory service for periods amounting in the aggregate to not less than five years, of which not less than the prescribed part has been after the thirty-first day of March, nineteen hundred and nineteen, and who dies while in contributory service, a death gratuity of a sum not exceeding an amount equal to the average salary of the teacher after deducting from such average salary the amount of any additional allowance or short service gratuity previously paid to him, whether under the School Teachers (Superannuation) Acts, 1918 to 1924, or this Act, or out of the Education (Scotland) Fund, or of a sum not exceeding an amount equal to the amount of the additional allowance which the Board might have granted to him if he had at the date of his death become permanently incapable of serving efficiently as a teacher in contributory service, whichever is the greater.

For the purposes of the foregoing provision, the Board may, subject to such conditions as may appear to them to be equitable, treat the case of a teacher who dies within twelve calendar months of his ceasing to be in contributory service and is not at the date of his death serving in approved external service as if he had died in contributory service.

(2) Where a teacher dies after having become qualified for the grant of an annual superannuation allowance and the aggregate amount of the sums paid to him and to his legal personal representatives by way of annual superannuation allowance and additional allowance whether under the School Teachers (Superannuation) Acts, 1918 to 1924, or this Act, or out of the Education (Scotland) Fund is less than the amount of his average salary, the Board shall, subject to the provisions of this Part of this Act, grant to his legal personal representatives a supplementary death gratuity not exceeding the difference between the amount of his average salary and the said aggregate amount.

Re-employment of teachers.

6.—(1) If a teacher in receipt of an annual superannuation allowance is again employed in contributory service or in employment which would if he were less than sixty-five years of age be contributory service, the allowance shall cease as from the date on which he becomes so employed, but without prejudice to the power of the Board in any case where the employment does not continue for periods amounting in the aggregate to more than twelve months after the said date to restore the said allowance, and in any other case to grant to the teacher subsequently another annual superannuation allowance.

(2) If a teacher in receipt of an annual superannuation allowance is employed, otherwise than in contributory service or in employment which would if he were less than sixty-five years of age be contributory service, in any employment of which the remuneration is paid out of the Consolidated Fund or out of moneys provided by Parliament, or in respect of which a grant is made out of such moneys, then, if the salary and emoluments to which he is entitled in respect of that employment for any quarter are not less than the quarterly rate of his salary at the date on which he ceased to be employed in contributory service, the allowance shall be suspended during that quarter, and if they are less than that rate so much only of the allowance shall be paid to him in respect of that quarter as with the salary and emoluments of the employment is equal to that rate.

Avoidance of duplicate pensions.

7.—(1) If the Board are of opinion that any service in respect of which allowances or gratuities may be granted under this Part of this Act is also reckoned for the purpose of any other pension payable to a teacher directly or indirectly out of moneys provided by Parliament or raised by a rate or under a pension scheme, the Board may make such deductions from the allowances or gratuities which may be awarded under this Part of this Act as may appear to them to be equitable in order to secure that the teacher may not receive in respect of the same service an allowance or gratuity under this Part of this Act as well as such other pension as aforesaid.

(2) For the purposes of this section, any years of service added for purposes of calculating a pension to years of actual service shall be deemed to be service, and any sum payable, whether as a continuing allowance

or as a lump sum, by way of pension, superannuation allowance, compensation for loss or abolition of office or otherwise in respect of retirement shall be deemed to be pension.

Withdrawal of allowances granted on grounds of infirmity.

8.—(1) Where the Board are satisfied that a teacher, to whom an annual superannuation allowance under this Act or the School Teachers (Superannuation) Acts, 1918 to 1924, or a disablement allowance under the Elementary School Teachers (Superannuation) Act, 1898, has been granted on the ground that he was permanently incapable of serving efficiently as a teacher in contributory service, or in recognised service, or in recorded service within the meaning of the last-mentioned Act, as the case may be, has ceased to be so incapable, the Board shall, if the teacher has not attained the age of sixty years, direct either that the allowance shall be suspended until a further direction is given by the Board or that it shall cease as from such date as may be specified in the direction, but without prejudice to the power of the Board to grant subsequently fresh superannuation allowances under this Part of this Act, and for that purpose recorded service shall be treated as recognised service and the period during which the teacher was incapable of serving as aforesaid may be treated as qualifying service.

(2) For the purposes of this section, the Board may require a teacher to submit himself to the prescribed medical examination, and if he fails to comply with any such requirement shall, unless for special reasons they think fit not to do so, direct that the allowance shall cease as from such date as they may direct.

Contributions by teachers and employers.

9.—(1) For the purpose of defraying the cost of the benefits under this Part of this Act, there shall be paid in respect of every teacher to whom this Part of this Act applies while he is employed in contributory service, contributions as follows, that is to say:—

(*a*) an amount to be paid by the teacher equal to five per cent. of the amount of his salary for the time being;

(*b*) as from the first day of April, nineteen hundred and twenty-eight, an amount to be paid by the employer of the teacher equal to five per cent. of the salary for the time being of the teacher.

(2) Any amount paid by a local education authority by way of contributions under this section shall for the purposes of any regulations of the Board relating to the payment of grant be treated as if it were expenditure on the salaries of the teachers in respect of whom the contributions are paid.

(3) In the case of a teacher employed in or in connection with a public elementary school maintained by the local education authority or in any school provided by the local education authority, the employer of the teacher shall for the purposes of this Act be deemed to be the local education authority.

(4) All sums payable by way of contributions under this section shall be paid to and recoverable by the Board, and all sums received by the Board under this section shall be paid into the Exchequer.

Calculation of salary and average salary for purposes of Act.

10.—(1) For the purposes of this Part of this Act, the salary of a teacher shall be taken to be the sums from time to time paid to him in respect of his employment in contributory service, excluding, unless the Board otherwise direct, any fees or other emoluments:

Provided that—

(*a*) no account shall be taken for the purposes of this Part of this Act of any amount by which the salary calculated as aforesaid exceeds the rate of two thousand pounds per annum unless the teacher's salary was determined to be in excess of that rate for the purposes of the School Teachers (Superannuation) Act, 1922; and

(*b*) where a teacher is by reason of sickness receiving less than his full salary, the amount which he is so receiving shall, for the purpose of calculating the amount payable under this Part of this Act by way of contributions in respect of him, be deemed to be his salary.

(2) The average salary of a teacher for the purposes of this Part of this Act shall be taken to be the average amount of the teacher's full salary as calculated under the foregoing provisions of this section in respect of his employment in service which is recognised or contributory service for the five years of such service (whether continuous or not) next preceding the com-

mencement of an annual superannuation allowance or the grant of an additional allowance or gratuity, or, if the teacher has not been so employed for five years, then the average amount of salary during the period for which he has been so employed:

Provided that, if in the opinion of the Board the salary of a teacher has been unreasonably increased in respect of his employment during any period to be taken into account in calculating his average salary, the salary on which his average salary is to be computed shall be deemed to be such amount as the Board consider to be proper.

Payment of contributions during intervals of service.

11.—(1) If the employment of a teacher in contributory service is discontinued for a period not exceeding four years in the case of a teacher who during the period is employed in full-time service as a teacher in any part of His Majesty's dominions outside the United Kingdom, and not exceeding one year in any other case, he may with the consent of the Board pay, at such times as the Board may require, by way of contributions under this Part of this Act an amount equal to ten per cent. of his salary in respect of the period of absence, and if he so contributes the said period shall be treated for the purposes of this Part of this Act as being a period during which he was employed in contributory service.

(2) For the purposes of this section, the amount of the teacher's salary shall be taken to be the amount of his full salary in respect of his contributory service immediately before the date on which that service was discontinued.

(3) For the purpose of the provisions of this Part of this Act, one half of any amount paid under this section shall be treated as having been paid by the teacher by way of teacher's contributions and the remaining half as having been paid by way of employer's contributions.

Return of contributions.

12.—(1) Where a teacher, who is not qualified for a superannuation allowance or a short service gratuity under this Act, ceases to be employed in contributory service, he shall, if he continues not to be so employed for a continuous period amounting to one year or for such shorter period and in such special circumstances as

the Board may prescribe, be entitled to be repaid a sum equal to the balance of his contributions computed as at the date of the repayment.

(2) Any period the contributions in respect of which are repaid under this section shall be excluded in reckoning periods of contributory or recognised service for the purposes of this Part of this Act:

Provided that, if a teacher to whom contributions have been repaid under the foregoing provisions of this section or under the School Teachers (Superannuation) Act, 1922, is subsequently employed in contributory service, he may at any time while he is so employed, if he satisfies the Board in the prescribed manner of his physical capacity, repay the sum so repaid to him, together with compound interest thereon at the rate of three and a half per cent. from the date of the repayment to him to the date of the repayment by him, and thereupon he shall be treated for the purposes of this Part of this Act as if no repayment had been made to him.

(3) A teacher who on attaining the age of sixty-five years has failed to become qualified for the grant of a superannuation allowance under this Part of this Act shall be entitled to be repaid a sum equal to the balance of his contributions computed as at the date upon which he attained that age.

(4) When a teacher who is or has been in contributory service dies, his legal personal representatives shall be entitled to receive a sum equal to the balance, if any, of his contributions computed as at the date of his death.

(5) For the purposes of this Part of this Act—

(*a*) the balance of a teacher's contributions as at any date at which it is to be computed, shall be taken to be the amount by which the aggregate amount of the contributions paid by him (excluding any which have been previously repaid) together with compound interest thereon up to that date exceeds the aggregate amount of any sums payable under this Act to him or to his legal personal representatives (otherwise than by way of repayment under this section) together with compound interest thereon up to that date;

(*b*) compound interest shall be calculated with yearly rests, and except where otherwise provided, at the rate of three per cent. per annum, and shall begin to run from the prescribed date.

(6) Notwithstanding anything in the foregoing provisions of this section, in the case of any teacher who has been employed in service in Scotland which is recognised by the Scottish Education Department as pensionable under any scheme of superannuation applicable to him, the balance of his contributions shall for the purposes of this section be calculated in such manner as may be prescribed as if the whole of his service had been recognised or contributory service, and as if contributions paid by him to the Scottish Education Department and sums paid to him or to his legal personal representatives under any such scheme as aforesaid had been respectively contributions and sums paid under this Part of this Act.

(7) In this section the expression "contributions" includes contributions paid under the School Teachers (Superannuation) Act, 1922, as amended by the School Teachers (Superannuation) Act, 1924.

Approved external service.

13.—(1) For the purposes of this section the expression "approved external service" means—

(*a*) service in Scotland which is recognised by the Scottish Education Department as pensionable under any scheme of superannuation applicable to teachers in Scotland:

(*b*) service as an inspector of the Board or in any other capacity as a civil servant, approved by the Treasury, in which teaching experience is of value or was of value at the date of his appointment therein, where the teacher satisfies the Board that before such service as aforesaid he has been engaged for not less than three years, whether in England or Wales or elsewhere, as a teacher in a capacity approved by the Board:

(*c*) service in a university or a university college in England, Wales or Scotland in respect of which contributions are payable under any general scheme applicable to universities for providing

benefits upon retirement, except where the teacher claims that no part of such service shall be treated as approved external service :

(*d*) such other service in places of education in the United Kingdom, and subject to such conditions as the Board may prescribe.

(2) Where a teacher has been employed in approved external service as well as in recognised or contributory service (whether any such employment was before or after the commencement of this Act) then—

(*a*) for the purpose of determining whether the teacher is a teacher to whom this Part of this Act applies, approved external service shall be treated as being contributory service;

(*b*) subject as hereinafter provided, no period of approved external service shall be reckoned for the purposes of—

(i) requiring the payment of contributions in respect of a teacher; or

(ii) calculating the amount of a superannuation allowance or gratuity under this Part of this Act; or

(iii) determining whether a teacher has died while in contributory service or within twelve calendar months thereafter :

Provided that the provisions of this Part of this Act with respect to the calculation of the average salary of the teacher shall have effect as if the reference therein to contributory and recognised service included a reference to approved external service :

(*c*) in determining for the purposes of paragraph (*a*) (iv) of subsection (1) of section two of this Act whether a teacher has been employed in some other form of contributory service, no period of approved external service of the kind described in paragraphs (*a*), (*c*) and (*d*) of subsection (1) of this section shall be deemed to be contributory service :

(*d*) where any approved external service is service of the kind described in paragraphs (*a*) or (*b*) of subsection (1) of this section and is service in respect of which a pension is payable to the

teacher otherwise than under the provisions of this Act, then, if his recognised or contributory service and such approved external service taken together (hereinafter in this paragraph referred to as his aggregate service) exceeds forty years there shall for the purpose of calculating the amount of an annual allowance under this Part of this Act be deducted from his contributory or recognised service—

(i) in a case where the whole of such approved external service is of the kind described in the said paragraph (*a*), such proportion of the excess by which such aggregate service exceeds forty years as is equal to the proportion of his aggregate service which is contributory or recognised service:

(ii) in a case where the whole of such approved external service is of the kind referred to in the said paragraph (*b*), a period equal to the excess by which the aggregate service of the teacher exceeds forty years:

(iii) in a case where such approved external service is partly of the kind described in the said paragraph (*a*) and partly of the kind described in the said paragraph (*b*), the same proportion of the excess by which such aggregate service exceeds forty years as the teacher's recognised or contributory service bears to the sum of that service and his service of the kind described in the said paragraph (*a*) when taken together:

(*e*) the provisions of the last foregoing paragraph shall apply for the purpose of calculating the amount of an additional allowance under this Part of this Act with the modification that forty-five years shall be substituted for forty years:

(*f*) any allowance or gratuity which may be granted to the teacher under this Part of this Act shall be calculated by reference to the period of recognised or contributory service actually served by him and not by reference to the completed years of that service:

Provided that, for the purpose of calculating any such allowance or gratuity in respect of any excess by which the teacher's recognised or contributory service and his approved external service taken together (hereinafter in this paragraph referred to as his "total service") exceeds a number of completed years, there shall be deducted from his recognised or contributory service a proportion equal to the proportion of his total service which is recognised or contributory service:

(*g*) subject to the foregoing provisions of this section, any period of approved external service shall be treated as if it were recognised or contributory service as the case may be, and references in this Act to recognised and contributory service shall be construed accordingly.

(3) Notwithstanding anything in the foregoing provisions of this Act, no supplementary death gratuity shall be payable under this Part of this Act to the legal personal representatives of a teacher if the last employment of the teacher in contributory service before his death was in approved external service.

Provisions as to persons serving as educational organisers.

14.—(1) The provisions of this Part of this Act shall apply to any person (in this section referred to as "an organiser") who satisfies the Board—

(*a*) that he is or has been employed by a local education authority in full-time service which to a substantial extent involves the control or supervision of teachers; and

(*b*) that before being so employed he was engaged for not less than three years, whether in England or Wales or elsewhere, as a teacher in a capacity approved by the Board,

as if in respect of his full-time service as an organiser after the commencement of this Act he were a teacher employed in contributory service; and references in Parts I., II. and IV. of this Act to teachers and to contributory service shall be construed accordingly.

For the purpose of the foregoing provision the employment of any person by the Central Welsh Board for Intermediate Education established by a scheme under the Welsh Intermediate Education Act, 1889, shall be treated as employment by a local education authority.

52 & 53 Vict. c. 40.

(2) Where a person employed in contributory service, whether as an organiser or otherwise, has been employed before the commencement of this Act in full-time service as an organiser, the allowances and gratuities which may be granted to or in respect of him under this Part of this Act shall be calculated, as respects service before the commencement of this Act, in whichever of the following ways is, in the opinion of the Board, most advantageous to him, that is to say:—

(*a*) he shall be treated as having served in recognised service only during his actual years of recognised service, if any; or

(*b*) he shall be treated as having served in recognised service for all the purposes of this Part of this Act for one-half of the aggregate number of years for which he has served before the commencement of this Act either as a teacher in recognised service or in full-time service as an organiser:

Provided that—

(*a*) no contributions shall be required to be paid in respect of any period of service as an organiser in respect of which he is so treated as serving in recognised service; and

(*b*) in either case any full-time service as an organiser shall, for the purposes of determining his qualification for a superannuation allowance or gratuity under this Part of this Act and of computing his average salary in accordance with the provisions of this Part of this Act, be treated as recognised service.

(3) In respect of any period of full-time service for which an organiser who ceases to be employed in contributory service is not entitled under the foregoing provisions of this section to be treated as having served in recognised service:—

(*a*) His employer may, either by means of a single payment or by means of such periodical payments as the Treasury may determine, pay to the Board such sum as may be determined by the Treasury to represent the present value of the amount by which allowances or gratuities payable to or in respect of the organiser under this Part of this Act would have been increased if he had been entitled to be so treated; and

upon any such payment as aforesaid being made the organiser shall be treated as having served in recognised service during the period in respect of which the payment is made; and the allowances or gratuities payable to, or in respect of, him shall be increased accordingly; or

(*b*) His employer may pay to or in respect of the organiser the amounts by which the allowances or gratuities payable to, or in respect of, him would have been increased if he had been entitled to be so treated;

all sums payable to the Board under this subsection shall be recoverable by the Board, and all sums received by the Board under this subsection shall be paid into the Exchequer.

(4) For the purposes of this section—

(*a*) in the case of an organiser over the age of sixty-five years, who at the date of the commencement of this Act is in employment which would be contributory service if he were under that age, the Board may treat him as if he were employed at that date in contributory service; and

(*b*) employment as an organiser by any predecessor to a local education authority shall be treated as employment by a local education authority.

Accounts and actuarial inquiries.

15.—(1) There shall be kept in accordance with the directions contained in the Second Schedule to this Act an account in such form and prepared in such manner as may be provided for by regulations made by the Treasury, of all revenue and expenditure (including any sums which are under the said schedule to be deemed to be revenue or expenditure) under the School Teachers (Superannuation) Acts, 1918 to 1924 and under this Act, as from the first day of June, nineteen hundred and twenty-two, and at the expiration of the period of seven years from the commencement of this Act, and at the expiration of every subsequent period of seven years, the Treasury shall cause an actuarial inquiry to be made for the purpose of determining whether on the basis of the said account the contributions payable under this Part of this Act are sufficient, or more than sufficient or less than sufficient, to support the benefits payable thereunder in respect of those contributions.

(2) The Treasury shall cause a report of every inquiry made under this section to be laid before both Houses of Parliament.

Application of certain provisions of 8 & 9 Geo. 5. c. 55.

16. The provisions of the School Teachers (Superannuation) Act, 1918, which are set out with modifications in the First Schedule to this Act shall have effect for the purpose of the provisions of this Part of this Act as if they were re-enacted therein as so set out.

Power to make rules.

17.—(1) The Board may, with the consent of the Treasury and after consultation with representatives of local education authorities and of teachers affected, make rules for carrying this Act into effect, and those rules may in particular provide—

(*a*) for the deduction from the salary of a teacher of the amount of the contributions payable by him, and for the collection of contributions by deductions to be made from any grant payable out of moneys provided by Parliament, and otherwise for the manner in which contributions are to be collected;

(*b*) for prescribing within what periods contributions are to be paid, and upon what conditions contributions not paid within the prescribed periods may be accepted;

(*c*) for prescribing to what accounting period contributions paid under this Part of this Act are to be attributable;

(*d*) for authorising the provisional collection of contributions from or in respect of teachers whose liability to contribute is for the time being in doubt;

(*e*) for prescribing the manner in which any contributions found to have been paid in error shall be repaid;

(*f*) for the manner in which the salaries and emoluments of teachers, the service of teachers, and contributions paid by or in respect of teachers are to be recorded by their employers;

(*g*) for prescribing what part of any sums paid to teachers in respect of their employment in contributory service is to be treated as emoluments;

(*h*) for determining what amounts teachers are to be treated as receiving by way of salary for any of the purposes of this Part of this Act during periods of absence on leave or on holiday, and how far any such periods are to be treated as service for the purposes of this Part of this Act;

(*i*) for allowing war service to be treated as recognised or qualifying service and for prescribing the circumstances in which, the extent to which, and the conditions under which it is to be so treated;

(*j*) for the manner in which and the time within which an application for a superannuation allowance or a gratuity is to be made;

(*k*) for prescribing anything which is under this Act to be prescribed.

(2) All rules made under this section shall be laid as soon as may be before both Houses of Parliament.

Interpretation.

18. In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"Certificated teacher," "uncertificated teacher," and "teacher of a special subject" mean respectively a teacher who is recognised under the regulations of the Board for the time being in force for public elementary schools as a certificated teacher, a teacher who is so recognised as an uncertificated teacher, and a teacher who is so recognised as a teacher of a special subject:

"Grant-aided school" means a place of education (other than a university or a university college) in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament from or by the Board, or from or by any public department whose place has been taken by the Board:

"His Majesty's dominions" includes any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the government of any part of His Majesty's dominions:

"Prescribed" means prescribed by rules made under this Act:

"Qualifying service" means any employment, whether in the capacity of a teacher or otherwise, which the Treasury on the recommendation of the Board may declare to be qualifying service for the purpose of calculating the period qualifying for a superannuation allowance:

"Service" means salaried employment under a contract of service with an employer of a person who at the date of the employment is over eighteen and under sixty-five years of age:

"United Kingdom" means Great Britain and Northern Ireland:

"War service" means service in any of the naval or military forces of the Crown in the late war, or any service in connection with naval or military operations in that war which the Board consider may properly be treated in the same manner as actual naval or military service, and includes any period during which a person though not actually serving in such service as aforesaid was, as the result of his service, prevented or hindered from procuring work as a teacher owing to injury, illness, or any other cause.

Construction of references in other Acts to recognised service.

19. References in any Act passed before the commencement of this Act, except the School Teachers (Superannuation) Acts, 1918 to 1924, to "recognised service" within the meaning of the last-mentioned Acts shall, unless the context otherwise requires, be construed as references to "contributory service" within the meaning of this Act.

PART III.

AMENDMENTS IN RESPECT OF PAST SERVICE.

Amendments as to recognised service.

20.—(1) In the case of a teacher who served in recognised service within the meaning of the School Teachers (Superannuation) Act, 1918, in a school certified under the Elementary Education (Blind and Deaf

Children) Act, 1893, any service by him in the capacity of a teacher in a school or class for blind or deaf children before the commencement of the last-mentioned Act, or within such period after the commencement of that Act as may be allowed by the Board, shall be deemed always to have been such recognised service. 56 & 57 Vict. c. 42.

(2) The following paragraph shall be substituted for paragraph (vi) of the definition of recognised service in section eighteen of the School Teachers (Superannuation) Act, 1918:—

"(vi) in the capacity of a teacher during any period before the school became grant-aided in any school (not being an elementary school or a school certified under Part IV. of the Children Act, 1908), which, though not grant-aided at the date of the service, was grant-aided at any time after the date of the service before the first day of April, nineteen hundred and twenty-four, or was in the opinion of the Board educationally continuous with a school which was grant-aided at any time before that date."

(3) Any addition to an annual allowance granted before the date of the commencement of this Act which may be made by virtue of any of the foregoing provisions of this section shall begin to accrue only from that date.

(4) Section eighteen of the School Teachers (Superannuation) Act, 1918, shall have effect, and shall be deemed always to have had effect, as though the following paragraph were substituted for paragraph (viii) thereof:—

"(viii) Subject to the prescribed conditions, in the capacity of a teacher during any period before the commencement of this Act in any school (not being a school conducted for private profit) other than such a school as is mentioned in paragraph (i), (ii), (iii), (iv) or (vi) of this definition, so, however, that not more than ten years' service in any such school shall be recognised for the purposes of this Act."

PART IV.

GENERAL.

Power to make schemes extending operation of Act.

21.—(1) The Board may, with the consent of the Treasury and subject to the provisions of this section, make schemes for any of the following purposes, that is to say:—

(*a*) For applying the provisions of Part II. of this Act, with such modifications as may seem to the Board desirable, to persons employed in the capacity of teachers in schools (including any person not being the proprietor employed in a school conducted for private profit) which are not grant-aided schools within the meaning of the said Part II., so, however, that no such scheme shall be made unless the Treasury, after consultation with the Government Actuary, are of opinion that the contributions to be paid under the scheme may be expected to be equal in value to the benefits payable under the scheme in respect of such contributions;

(*b*) For applying the provisions of Part II. of this Act, with such modifications as may seem to the Board desirable, to persons employed, whether in England or Wales or elsewhere, in the capacity of teachers by Government Departments in England or Wales, or in institutions which are provided by such Government Departments, or which are in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament from or by some such Government Department other than the Board;

(*c*) For giving effect to any arrangements made with any authority administering any statutory scheme of superannuation for school teachers in any part of His Majesty's dominions, providing for the extension (whether with or without modification) of the provisions of Part II. of this Act to service in the capacity of a teacher in that part of His Majesty's dominions, and

for the extension of such statutory scheme to contributory service under Part II. of this Act.

For the purposes of the foregoing provision the expression "His Majesty's dominions" includes any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions.

(2) Before any scheme is made under this section, a draft thereof shall be laid before each House of Parliament for a period of not less than twenty days during which the House is sitting, and if either House before the expiration of that period presents an Address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft scheme.

(3) A scheme made under this section may, except as may be otherwise provided in the scheme, at any time be varied or revoked by another scheme so made.

Provision for expenses.

22. The expenses incurred by the Board in carrying this Act into effect shall be defrayed out of moneys provided by Parliament.

Extent, commencement and short title.

23.—(1) This Act shall not extend to Scotland or Northern Ireland.

(2) This Act shall come into operation on the first day of April, nineteen hundred and twenty-six.

(3) Subsection (1) of section one of the Elementary School Teachers (Superannuation) Act, 1898, is hereby repealed.

(4) This Act may be cited as the Teachers (Superannuation) Act, 1925, and the School Teachers (Superannuation) Acts, 1918 to 1924, and this Act may be cited together as the Teachers (Superannuation) Acts, 1918 to 1925.

SCHEDULES.

Section 16.

FIRST SCHEDULE.

No claim to superannuation allowances or gratuities as of right.

6. Except as in this Act provided, the decision of the Board on any question which may arise as to, or which may affect, the application of this Act to any person, or the qualification for any superannuation allowance or gratuity or for the return of any balance of contributions, or the amount of any superannuation allowance or gratuity, or of any balance of contributions, or on any question which may arise as to the amount of the average salary of any teacher, shall be final.

Payment and assignment of allowances.

7.—(1) Every annual superannuation allowance shall be payable quarterly at such times and in such manner as the Treasury may determine.

(2) Every assignment of or charge on, and every agreement to assign or charge, any superannuation allowance or gratuity or any sum which is or may become repayable under this Part of this Act on account of the return of any balance of contributions shall be void, and on the bankruptcy of a person entitled to any such allowance, gratuity or sum the allowance, gratuity or sum shall not pass to any trustee or other person acting on behalf of the creditors, but this provision shall be without prejudice to any order of the court made under section fifty-one of the Bankruptcy Act, 1914, or under any corresponding enactment in Scotland or Northern Ireland.

Payment without probate in certain cases.

8. Where any sum not exceeding one hundred pounds is payable under this Part of this Act in respect of a superannuation allowance or gratuity granted to a deceased teacher or of a gratuity granted to the legal personal representatives of a deceased teacher or by way of the return of any balance of contributions, probate or other proof of title of the legal personal representatives may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the Board to be beneficially entitled to the personal estate of the deceased teacher, or to or among any one or more of those persons, or in the case of the illegitimacy of the teacher or of his children to or among such persons as the Board may think fit.

Provision as to allowance payable to persons mentally disabled.

9. Where any sum in respect of a superannuation allowance or gratuity or the return of any balance of contributions is payable to any person under this Part of this Act, and the person to whom the sum is payable is certified by a justice or minister of religion and by a medical practitioner to be unable by reason

1ST SCH. —*cont.*

of mental disability to manage his affairs, the Board may pay so much of the said sum as they think fit to the institution or person having the care of the disabled person, and may pay the surplus, if any, or such part thereof as the Board think fit, for or towards the maintenance and benefit of the wife or husband and relatives of the disabled person.

Provisions as to refusal or reduction of allowance or gratuity.

10. Where a teacher who has applied for any superannuation allowance or gratuity, or in respect of whom a death gratuity has been applied for, has been dismissed or otherwise ceased to serve as a teacher in consequence of grave misconduct, or has been guilty of such misconduct as, in the opinion of the Board, has accelerated his death or retirement, the Board may either refuse or grant at a reduced rate the allowance or gratuity.

Where the Board, in pursuance of the foregoing provision, have refused or granted at a reduced rate a superannuation allowance or gratuity, they may at any time thereafter, if they are of opinion that for any reason it is proper so to do, either grant the allowance or gratuity or pay it in full.

Penalty for false representation and fraud.

11.—(1) If any person—

(*a*) for the purpose of obtaining for himself or any other person any superannuation allowance or gratuity or the return of any balance of contributions personates any person or makes any false certificate, false representation or false statement, or makes use of any false certificate or document, false representation or false statement, knowing the same to be false; or

(*b*) by means of any such false certificate, false document, false representation or false statement, or by personation or other fraudulent means, obtains or attempts to obtain for himself or any other person any superannuation allowance or gratuity or the return of any balance of contributions,

he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, and on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds.

(2) Any penalty for any offence under this section may be in addition to any refusal or reduction of the allowance or gratuity.

(3) Any reference in this section to the obtaining of a superannuation allowance or gratuity or of the return of any balance of contributions, shall include a reference to the obtaining of an increase of a superannuation allowance, gratuity,

1ST SCH. —*cont.*

or balance of contributions, and to the preventing, or the obtaining the rescission of, the suspension of a superannuation allowance, and the obtaining of any sum in respect of a superannuation allowance, gratuity, or balance of contributions.

Provisions with respect to deferred annuities under the Act of 1898.

12. No teacher, other than a teacher who is not entitled to benefits under this Part of this Act, shall make any contributions towards a deferred annuity under the Elementary School Teachers (Superannuation) Act, 1898, in respect of service after the commencement of this Act, but where any teacher has made any such contributions in respect of service before that date he shall, notwithstanding that he thereafter ceases to make contributions, be entitled to a deferred annuity in respect of those contributions.

Amendment of Elementary School Teachers (Superannuation) Act, 1898.

13. The provisions of the Elementary School Teachers (Superannuation) Act, 1898, with respect to the grant of superannuation and disablement allowances shall, as from the commencement of this Act, cease to have effect as regards teachers entitled to benefits under this Part of this Act.

Provisions with respect to local pensions schemes.

14.—(1) The following provisions shall have effect with regard to pensions schemes :—

(*a*) A teacher who is not subject to a pensions scheme at the commencement of this Act shall not, while he is in contributory service, be subject to, or pay or be required to pay any contributions under such a scheme :

(*b*) Where any pensions scheme applies to a teacher who is in recognised service at the commencement of this Act or who thereafter enters contributory service, he may, if he so thinks fit, make in the prescribed manner and within the prescribed time a declaration to the effect that he desires to withdraw from the scheme, and if he so makes such a declaration the scheme shall as from the date of the commencement of this Act or the date on which he entered contributory service, as the case may be, cease to apply to him :

(*c*) Where a person, to whom a pensions scheme applies as aforesaid, does not withdraw therefrom in accordance with the provisions of this section, this Part of this Act shall not apply to him :

(*d*) Where a teacher withdraws from a pensions scheme in accordance with the provisions of this section, he shall be entitled to be recouped by the persons having the management of the scheme in respect of his past contributions under the scheme in such manner and upon such terms as may, subject to the approval of the Treasury, be agreed upon between him and those persons, or in default of agreement, may be determined by the Treasury.

1ST SCH. —*cont.*

(2) In this section the expression "pensions scheme" means any scheme or arrangement established or carried on, whether under any Act of Parliament or otherwise, by a council having powers under the Education Act, 1921, or the governing body of a school under which payments by way of contribution to a fund or otherwise are made either by the council or governing body, as the case may be, or jointly by the council or governing body, as the case may be, and persons employed as teachers, with a view to providing benefits for those persons on disablement, retirement, attainment of any specified age, or death.

Power of governing bodies to comply with conditions.

16. Notwithstanding any provision regulating the trusts or management of a school, the governing body of the school shall have power to fulfil any conditions which may be required to be fulfilled in order that service in that school may be contributory service for the purpose of this Act.

SECOND SCHEDULE.

Section 15

DIRECTIONS AS TO ACCOUNT.

1. The accounting periods for which the account shall be made up shall be from the first day of June, nineteen hundred and twenty-two, to the thirty-first day of March, nineteen hundred and twenty-three, and thereafter from the first day of April in each year to the thirty-first day of March in the next year.

2. There shall be treated as having been paid into the revenue for each accounting period—

(*a*) by teachers the amount of teachers' contributions attributable to the period, and by their employers a sum equal to that amount; and

(*b*) out of moneys provided by Parliament a sum equal to the expenditure during the period upon allowances and gratuities attributable to service before the first day of June, nineteen hundred and twenty-two; and

(*c*) a sum representing interest at the rate of three-and-a-half per cent. per annum on the mean balance, if any, of revenue over expenditure during the period; such mean balance being calculated by adding together one-half of the balance (exclusive of any interest under this paragraph) remaining at the end of the period and one-half of the balance, if any, carried forward from the last preceding accounting period; and

2ND SCH. —*cont.*

(*d*) the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period; and

(*e*) any other revenue attributable to the period.

3. There shall be shown the expenditure upon allowances and gratuities attributable to service before the first day of June, nineteen hundred and twenty-two, separately from expenditure upon allowances, gratuities, and the return of contributions attributable to service since that date.

CHAPTER 60.

An Act to provide for the regulation of the manufacture, sale, and importation of vaccines, sera, and other therapeutic substances.

[7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Therapeutic substances to which Act applies.

1. This Act applies to the therapeutic substances specified in the Schedule to this Act and any other therapeutic substances which may from time to time be added to that Schedule by regulations made under this Act as being substances the purity or potency of which cannot be adequately tested by chemical means.

Restrictions on manufacture of therapeutic substances.

2.—(1) No person shall manufacture for sale any therapeutic substance to which this Act applies unless he holds a licence for the purpose from the licensing authority, or elsewhere than on the premises in respect of which such a licence is in force.

(2) A licence under this section shall continue in force for such period as may be prescribed, but may from time to time be renewed for a like period, and may extend to all the therapeutic substances to which this Act applies, or to such one or more of them as may be specified in the licence, and shall be issued subject to such conditions as may be prescribed.

(3) An applicant for a licence or the renewal of a licence must satisfy the licensing authority that the conditions under which the therapeutic substances are to be manufactured by him and the premises in which they are to be manufactured are such as to comply with any regulations made under this Act, and an applicant who so satisfies the licensing authority shall be entitled to the grant or renewal of the licence.

(4) The licensing authority may revoke a licence or suspend it for such period as he thinks fit if in his opinion the licensee has failed to comply with the conditions subject to which the licence was issued or with the regulations made under this Act as to the prescribed standards of strength, quality and purity, and such revocation or suspension may apply to all the therapeutic substances to which the licence applies or to some one or more of them:

Provided that a person who is aggrieved by the revocation or suspension of his licence may, subject to rules of court, appeal to the court, whose decision shall be final.

(5) Nothing in this section shall apply to the preparation by a registered medical practitioner for any of his own patients or for and at the request of another such practitioner of a therapeutic substance to which this Act applies, if it is specially prepared with reference to the condition, and for the use, of an individual patient.

Restrictions on importation of therapeutic substances.

3.—(1) It shall not be lawful to import into Great Britain or Northern Ireland any therapeutic substance to which this Act applies unless the substance—

(*a*) is proved to the satisfaction of the licensing authority to comply with the standard of strength, quality and purity prescribed in the case of that substance, if the substance is one the manufacture of which is carried on in Great Britain or Northern Ireland, or, if such manufacture is not so carried on, with such standards (if any) of strength, quality and purity, as may be prescribed for that substance, or, if no such standards are so prescribed, with such standards of quality and purity as are prescribed in the case of therapeutic substances of a similar class,

the manufacture of which is carried on in Great Britain or Northern Ireland, and is consigned to a person licensed by the licensing authority to import it; or

(*b*) is consigned to a person engaged in scientific research holding a special licence to import it for the purpose of such research issued by the licensing authority.

(2) The issue of any licence under this section shall be subject to such conditions, including conditions as to suspension and revocation, as may be prescribed.

(3) Therapeutic substances prohibited to be imported by this section shall be deemed to be included among the goods enumerated and described in the table of prohibitions and restrictions inwards contained in section forty-two of the Customs Consolidation Act, 1876, and the provisions of that Act and any Act amending or extending that Act shall apply accordingly.

39 & 40 Vict. c. 36.

Joint advisory committees.

4.—(1) For the purpose of framing regulations under this Act and for securing uniformity of standards, there shall be established a joint committee consisting of the Minister of Health, who shall be chairman, the Secretary for Scotland, and the Minister of Home Affairs for Northern Ireland:

Provided that each member of the joint committee may appoint a deputy to act for him at meetings of the committee at which he is unable to be present.

(2) For the purpose of assisting the joint committee in the framing of regulations under this Act, there shall be appointed an advisory committee consisting of one member appointed by the Minister of Health, who shall be chairman, one member appointed by the Scottish Board of Health, one member appointed by the Minister of Home Affairs for Northern Ireland, one member appointed by the Medical Research Council, one member appointed by the General Medical Council, one member appointed by the British Medical Association, one member appointed by the Council of the Pharmaceutical Society of Great Britain, and one member appointed by the Council of the Institute of Chemistry of Great Britain and Ireland.

Power to make regulations.

5.—(1) The joint committee, after consultation with the advisory committee, may make regulations for the following purposes:—

(*a*) for prescribing the standard of strength, quality and purity of any therapeutic substance to which this Act applies:

(*b*) for prescribing the tests to be used for determining whether the standard prescribed as aforesaid has been attained:

(*c*) for prescribing units of standardisation:

(*d*) for adding to the Schedule to this Act any therapeutic substance the purity or potency of which cannot be adequately tested by chemical means:

(*e*) for prescribing the form of licences under this Act and of applications therefor, and of notices to be given in connection therewith:

(*f*) for prescribing the conditions subject to which licences may be issued, including in the case of a licence to manufacture conditions that the licensee shall allow any inspector authorised by the licensing authority in that behalf to enter any premises where the manufacture is carried on, and to inspect the premises and plant and the process of manufacture and the means employed for standardising and testing the manufactured substance and to take samples thereof:

(*g*) for excluding from the operation of this Act, or of any of the provisions thereof, any therapeutic substance intended to be used solely for veterinary purposes:

(*h*) for prescribing any other matter which under this Act is to be prescribed.

(2) Regulations so made may also as respects any such therapeutic substance to which this Act applies as may be specified in the regulations contain provisions:—

(*a*) requiring that, if advertised or sold as a proprietary medicine or contained in such medicine, such accepted scientific name, or name descriptive of the true nature and origin

of the substance, as may be prescribed shall appear on the label:

(*b*) requiring that the date of the manufacture shall be stated in the prescribed manner on all vessels or other packages in which the substance is sold or offered for sale, and prohibiting the sale of the substance after the expiration of the prescribed period from the date of manufacture:

(*c*) prohibiting the sale or the offering for sale of the substance otherwise than in a vessel or other container of such character as may be prescribed, and requiring that the prescribed label or other description shall be affixed to such vessel or container.

(3) All regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made:

Provided that, if an Address is presented to His Majesty by either House of Parliament within twenty-one days after such regulations have been laid, being days on which that House has sat, praying that such regulations be annulled, they shall henceforth be void, without prejudice to the validity of anything previously done under the regulations or to the making of new regulations.

Offences.

6. If any person—

(*a*) being a person who is required by this Act to be licensed in that behalf manufactures for sale any therapeutic substance to which this Act applies without a licence for the purpose, or elsewhere than on premises in respect of which a licence is in force:

(*b*) contravenes or fails to comply with any condition subject to which a licence under this Act is issued:

(*c*) sells or has in his possession for sale any therapeutic substance to which this Act applies knowing it to have been manufactured or imported in contravention of this Act or the regulations made thereunder:

(*d*) contravenes or fails to comply with the provisions of any regulation made under this Act;

he shall be guilty of an offence against this Act, and liable on summary conviction to a fine not exceeding one hundred pounds, or in the case of a second or subsequent conviction, to such a fine or to imprisonment with or without hard labour for a time not exceeding three months, and in either case to forfeit any goods in connection with which the offence was committed, and without prejudice, if the offender is the holder of a licence, to the power of the licensing authority to revoke or suspend the licence.

Interpretation.

7.—(1) The following authorities shall be the licensing authorities for the purposes of this Act:—

(*a*) as respects England and Wales, the Minister of Health:

(*b*) as respects Scotland, the Scottish Board of Health:

(*c*) as respects Northern Ireland, the Minister of Home Affairs for Northern Ireland.

(2) For the purposes of this Act, the expression "court" means as respects England and Wales the High Court, as respects Scotland the Court of Session, and as respects Northern Ireland the High Court of Justice for Northern Ireland.

Short title, commencement and extent.

8.—(1) This Act may be cited as the Therapeutic Substances Act, 1925.

(2) This Act shall come into operation on such day not being earlier than one year nor later than two years after the passing thereof as may be fixed by His Majesty by Order in Council.

(3) This Act shall extend to Great Britain and Northern Ireland, but in relation to Northern Ireland shall, as respects matters within the powers of the Parliament of Northern Ireland, be subject to repeal or alteration by that Parliament as if it had been an Act passed before the appointed day within the meaning of the Government of Ireland Act, 1920.

10 & 11 Geo. 5. c. 67.

Sections 1 and 5.

SCHEDULE.

THERAPEUTIC SUBSTANCES TO WHICH THIS ACT APPLIES.

1. The substances commonly known as vaccines, sera, toxins, antitoxins and antigens.

2. The substance commonly known as salvarsan (Dioxy-diamino-arseno-benzol-di-hydrochloride) and analogous substances used for the specific treatment of infective disease.

3. Preparations of the specific antidiabetic principle of the pancreas, known as insulin.

4. Preparations of the posterior lobe of the pituitary body intended for use by injection.

CHAPTER 61.

An Act to facilitate the acquisition and maintenance of allotments, and to make further provision for the security of tenure of tenants of allotments. [7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Interpretation.

1. In this Act, unless the context otherwise requires,—

12 & 13 Geo. 5. c. 51.

"Allotment" means an allotment garden as defined by the Allotments Act, 1922, or any parcel of land not more than five acres in extent cultivated or intended to be cultivated as a garden or farm, or partly as a garden and partly as a farm;

"Commissioners" means the Public Works Loans Commissioners;

"The Act of 1922" means the Allotments Act, 1922.

Loans by Commissioners to allotment societies. 38 & 39 Vict. c. 89.

2.—(1) Subject to such conditions and during such period as the Treasury may prescribe, and up to an aggregate amount approved by the Treasury, the Commissioners may, in manner provided by the Public Works Loans Act, 1875, as amended by this section, lend to any approved society money required for the purpose of purchasing land to be used as allotments.

(2) Any loan made under the powers of this section shall be secured by mortgage or charge on the lands in respect of which the loan is made, and such other land or property (if any) as the society is willing to mortgage or charge with repayment of the loan.

(3) Lands purchased by an approved society, and in respect of which a loan is made by the Commissioners, shall thereafter, while owned by such society, be let to members of such society or others and used as allotments, provided that it shall be competent for the society to dispose of the land or any part thereof if so authorised by a resolution passed by two-thirds at least of the members present at a meeting of the society convened for this purpose by a notice stating the proposal for sale, and if the consent of the Minister of Agriculture and Fisheries is obtained:

Provided also that, if at the time of such sale any part of a loan made under this section remains unpaid, the sale shall also be subject to the consent of the Commissioners.

Nothing in this subsection shall affect or apply to the use or disposal of any such land by the Commissioners or any persons deriving title under them in such manner as they may think fit.

(4) The Commissioners shall not under this section advance a sum in excess of two-thirds of the value, as ascertained to the satisfaction of the Commissioners, of the land proposed to be acquired or make any advance to a society except where it is shown to the satisfaction of the Commissioners that an amount equal to one-third of the value of the land to be purchased has been provided from other sources in a manner approved by the Commissioners and has been, or will be, expended in part payment of the purchase price of the land to be mortgaged to the Commissioners.

(5) The rate of interest payable on the mortgage shall be such rate as the Treasury shall from time to time prescribe.

(6) The amount secured by the mortgage or charge, with interest thereon, shall be repayable within a period not exceeding thirty-five years by equal yearly or half-yearly instalments of principal and interest combined.

(7) The land comprised in the mortgage or charge must be freehold or copyhold land free from any mortgage or other charge affecting it in priority to the mortgage or charge of the Commissioners.

(8) For the purposes of this Act "approved society" means—

(*a*) a society registered under the Industrial and Provident Societies Acts, 1893 to 1923, or the Friendly Societies Acts, 1896 to 1924, one of whose objects is the provision of allotments, and which, by its constitution or otherwise, is restricted in relation to the rate of interest on share and loan capital and the distribution of profits amongst its members so as to comply with regulations made in that behalf by the Treasury; or

(*b*) a company registered under the Companies Acts, 1908 to 1918, which does not trade for profit, or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury.

(9) The powers conferred by this section on the Commissioners are in addition to and not in derogation of any powers conferred on them by any other enactment.

Provision for allotments in town-planning schemes. 15 Geo. 5. c. 16.

3.—(1) Every local authority or joint committee of local authorities preparing a town-planning scheme in pursuance of the Town Planning Act, 1925, shall, in preparing such scheme, consider what provision ought to be included therein for the reservation of land for allotments.

Before determining whether provision shall be included as aforesaid, the local authority or joint committee shall consult the council of any borough or urban

district any part of whose district is within the area of the proposed scheme, and consider any recommendations which the council of the borough or urban district make.

Every local authority or joint committee submitting a town-planning scheme to the Minister of Health for his approval shall furnish therewith a statement under the hand of their clerk or other competent officer certifying that the requirements of this subsection have been complied with.

(2) The Minister of Health shall notify the Minister of Agriculture and Fisheries of any resolution passed by a local authority or joint committee deciding to prepare a town-planning scheme in pursuance of the Town Planning Act, 1925.

(3) The council of every borough or urban district, any part of whose district is within the area of a town-planning scheme, shall take into consideration from time to time, but at least once in every year, the question whether any and, if so, what lands within the area of the scheme are needed for allotments, whether reserved for the purpose or not, and ought to be acquired under and in accordance with the provisions of the Allotments Acts, 1908 to 1922, as amended by this Act.

(4) In the case of any borough or urban district for which an allotments committee is appointed under the Act of 1922, as amended by this Act, the council of the borough or urban district shall refer to their allotment committee any matter which they are required to consider under subsections (1) and (3) of this section, or which is referred to them for their consideration by any other local authority under subsection (1) of this section, and shall consider the report of the allotments committee thereon.

Limit of expenditure on provision of allotments.

4. Notwithstanding the provisions of section sixteen of the Act of 1922, the council of any borough or urban district may take proceedings under the provisions of the Allotments Acts, 1908 to 1922, relating to allotments if, in the opinion of the council, the expenses referred to in such section may reasonably be expected, after the proceedings are taken, to exceed the receipts of the council under those provisions by no greater amount than would be produced by a rate of one penny in the pound.

Acquisition of land for future allotments.

5. The council of a borough or urban district may acquire land for allotments, notwithstanding that the land or any part of it cannot immediately be let in allotments, provided that the Minister of Health is satisfied, after consultation with the Minister of Agriculture and Fisheries, that there is a reasonable expectation that the land will eventually be required for allotments.

Amendment of section ten (3) of Act of 1922.

6. Section ten of the Act of 1922 is hereby amended by the substitution for paragraph (*b*) of subsection (3) of the following paragraph:—

(*b*) by not less than three months' notice in writing given by the owner to the council in any case where the land is required for any purpose other than the use of the land for agriculture, sport, or recreation, and by not less than six months' notice in writing so given and expiring on or before the sixth day of April, or on or after the twenty-ninth day of September, where the land is required for use for sport or recreation.

Amendment of section ten (4) of Act of 1922.

7. The right of a tenant to claim compensation under subsection (4) of section ten of the Act of 1922 shall be exerciseable notwithstanding that it is otherwise agreed in the contract of tenancy in any case where the rent payable by the tenant under his contract of tenancy for the land exceeds threepence per pole, unless, in the case of a tenancy existing at the passing of this Act, the council within three months after the passing of this Act gives notice in writing to the tenant that the rent of the land is as from the last preceding date for payment of rent reduced to a rent of threepence per pole or less.

Sale, &c., of land used as allotments.

8. Where a local authority has purchased land for use as allotments the local authority shall not sell, appropriate, use, or dispose of the land for any purpose other than use for allotments without the consent of the Minister of Agriculture and Fisheries after consultation with the Minister of Health, and such consent shall not be given unless the Minister is satisfied that adequate provision will be made for allotment holders displaced by the action of the local authority or that such provision is unnecessary or not reasonably practicable, and where such consent is obtained the sanction of the county council under section thirty-two of the Small Holdings and Allotments Act, 1908, shall not be required.

8 Edw. 7. c. 36.

Amendment of s. 11 of the Act of 1922.

9. Section eleven of the Act of 1922 shall be read as if the period of twenty-one days were substituted therein for the period of ten days as the period within which a notice may be served on the person requiring possession.

Rating of new allotments.

10. Where after the date of this Act coming into operation land which is not used for allotments commences to be so used, the gross value, or the gross estimated rental, for the purposes of any enactment relating to rating, at which the land is assessed immediately before such user shall not be increased during the first three years of such user, and where the land so used was immediately before such user included with other land in one assessment in the valuation list in force, the gross value or gross estimated rental of the land included in that assessment shall for the purposes of this section be apportioned according to acreage as between the land used for allotments and the other land:

Provided that, if on the application of any person interested, or without any such application, it appears to the assessment committee that apportionment according to acreage would work an injustice, the gross value or gross estimated rental shall be apportioned in such manner as the assessment committee may determine.

Amendment of section seventeen of the Act of 1922.

11. The provisions of subsection (1) of section seventeen of the Act of 1922, relating to the assessment of a council to rates shall apply to an approved society providing land for allotments in the same manner as it applies to a council, and subsection (2) of that section is hereby repealed.

Allotment committees of urban authorities.

12.—(1) Subsection (1) of section fourteen of the Act of 1922 shall apply in any case where the total number of allotments provided by the council of a borough or urban district exceeds the number of four hundred, notwithstanding that the population of the borough or urban district is less than ten thousand.

(2) In section fourteen subsection (2) of the Act of 1922 the words "be not more than one-third of the total "number of the members of the committee or be less "than two or one-fifth of such total number whichever "be the larger number" are hereby repealed, and the following words shall be and are hereby substituted therefor "be as near as may be one-third of the total "number of the members of the committee, and in no

" case shall the number of representative members be " less than two."

(3) This section shall not come into operation until the first day of November, nineteen hundred and twenty-five.

Records of purchase price, rent, and rateable value of land acquired.

13. Where land is purchased or leased by a local authority under the Allotments Acts, 1908 to 1922, or this Act, the local authority shall record the purchase price or rent agreed to be paid for the land, and the gross value or gross estimated rental at which the land is assessed for rating purposes at the date of its acquisition, where it is separately so assessed, or the apportioned part thereof as estimated by the local authority, where it is not so separately so assessed, and the particulars so recorded shall be included by each local authority in their annual report to the Minister of Agriculture and Fisheries under section fifty-nine of the Small Holdings and Allotments Act, 1908.

Short title.

14.—(1) This Act may be cited as the Allotments Act, 1925, and the Allotments Acts, 1908 to 1922, and this Act may be cited together as the Allotments Acts, 1908 to 1925.

(2) This Act shall not apply to Scotland or Northern Ireland.

CHAPTER 62.

An Act to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans.

[7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Appointment of Public Works Loan Commissioners

1. Whereas the term of office of persons who are, at the passing of this Act, Public Works Loan Commissioners under the Public Works Loans Act, 1875, will expire at the end of a period of five years from the first day of April, nineteen hundred and twenty-one, and it

is expedient to appoint Commissioners for a further period of five years: for five years.

Therefore, the following persons (that is to say):— 38 & 39 Vict. c. 89.

The Right Honourable Lord Hunsdon,
The Honourable Evelyn Hubbard,
Edward Henry Loyd, Esquire,
William Douro Hoare, Esquire,
Robert Lydston Newman, Esquire,
The Right Honourable the Earl of Chichester,
The Right Honourable Lord Clwyd,
Laurence Currie, Esquire,
Alexander Brodrick Leslie-Melville, Esquire,
Anthony de Rothschild, Esquire,
Alfred Mildmay, Esquire,
The Honourable Sir William Henry Goschen, K.B.E.,
Sir Charles Eric Hambro, K.B.E.,
Charles Robert Gilliat, Esquire,
Granville Edward Bromley Bromley-Martin, Esquire,
Alexander Balfour Williamson, Esquire,
Edward Clifton Brown, Esquire,
Robert Wallace, Esquire,

shall, after the passing of this Act, be Public Works Loan Commissioners under the Public Works Loans Act, 1875, and shall hold office until the expiration of five years from the first day of April, nineteen hundred and twenty-six.

2.—(1) There may be issued by the National Debt Commissioners for the purpose of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of twenty-five million pounds. Grants for public works.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887. 50 & 51 Vict. c. 16.

3. Whereas it is expedient that the principal of the local loan specified in the table contained in the Schedule to this Act should, to the extent specified in the last column of that table, not be reckoned as an asset of the Certain debt not to be reckoned as asset of local loans fund.

local loans fund established under the National Debt and Local Loans Act, 1887:

Now, therefore, the principal of the said loan, to the extent aforesaid, shall be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission of balance of principal and interest in respect of Appleton Sawmills loan.

4. Whereas under the last preceding section of this Act it is provided that the principal of a certain loan to the Appleton Sawmills General Utility Society, Limited, should, to the extent specified in the Schedule to this Act, be written off from the assets of the local loans fund:

And whereas the sum so specified constitutes the balance remaining unpaid out of the total amount advanced, and is irrecoverable:

Therefore, the principal of the said local loan, to the extent aforesaid, shall be extinguished and all arrears of interest thereon shall be remitted.

Short title.

5. This Act may be cited as the Public Works Loans Act, 1925.

Sections 3 and 4.

SCHEDULE.

LOAN BY PUBLIC WORKS LOAN COMMISSIONERS UNDER THE HOUSING ACTS.

Name of Borrower.	Amount of loan.	Amount to be written off.
	£	£ s. d.
Appleton Sawmills General Utility Society, Limited.	2,139	2,024 13 5

CHAPTER 63.

An Act to provide for contributions out of moneys provided by Parliament towards the compensation payable by local authorities for the slaughter of cattle in accordance with orders made under the Diseases of Animals Act, 1894, in case of the existence or suspected existence of tuberculosis.

[7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Contribution out of moneys provided by Parliament to compensation paid by local authorities for slaughtered cattle. 57 & 58 Vict. c. 57.

1.—(1) Where in accordance with any order made by the Minister of Agriculture and Fisheries (hereinafter referred to as "the Minister") under section nineteen of the Diseases of Animals Act, 1894, directing or authorising the slaughter of cattle in case of the existence or suspected existence of tuberculosis, compensation is paid out of the local rate for the slaughter of any cattle by a local authority, the local authority shall be entitled to be repaid by the Minister, subject to any directions which may be given by the Treasury, out of moneys provided by Parliament a sum equal to three-fourths of the amount of compensation so paid by them, and any sum so repaid shall be carried by the local authority to the credit of the rate out of which the compensation was paid.

In this section the expression "cattle" means bulls, cows, oxen, heifers and calves.

(2) In computing for the purposes of this section the amount of compensation paid by a local authority, no deduction shall be made in respect of any sum received by the local authority on the sale of a carcase.

(3) All claims to repayments under this Act shall be made by a local authority quarterly, as on the first day of January, April, July and October, in respect of the compensation paid by them during the preceding three months, and a local authority shall furnish to the Minister such information as he may require in connection with any such claim.

Application to Northern Ireland.

2.—(1) This Act in its application to Northern Ireland shall have effect as if references to a Secretary of State were therein substituted for references to the Minister.

(2) Where a local authority is entitled to a repayment under this Act in respect of any compensation paid by them, any sum payable under section seventy-two of the Diseases of Animals Act, 1894, out of the General Cattle Diseases (Northern Ireland) Fund in respect of such compensation shall be reduced to such amount as together with the sum which the authority is entitled to be repaid under this Act is equivalent to the total amount of the compensation paid by the authority after making all proper deductions for money received by them in respect of the animals slaughtered.

Short title, and citation.

3. This Act may be cited as the Diseases of Animals Act, 1925, and the Diseases of Animals Acts, 1894 to 1922, and this Act may be cited together as the Diseases of Animals Acts, 1894 to 1925.

CHAPTER 64.

An Act to provide for the permanent adoption of summer time. [7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Summer Time Act to be made permanent, and period of summer time extended. 12 & 13 Geo. 5, c. 22.

1.—(1) The Summer Time Act, 1922, shall become a permanent Act, and subsection (3) of section three of that Act is hereby repealed.

(2) Subsection (1) of section three of the Summer Time Act, 1922 (which defines the period of summer time for the purposes of that Act) shall, as from the commencement of this Act, have effect as though the first Saturday in October were therein substituted for the third Saturday in September.

2. This Act may be cited as the Summer Time Act, 1925, and shall be construed as one with the Summer Time Act, 1922, and that Act and this Act may be cited together as the Summer Time Acts, 1922 to 1925. Short title.

CHAPTER 65.

An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 to 1924. [7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The Treasury may, with a view to the development of the telephonic system in Great Britain and Northern Ireland, without prejudice to the exercise of any powers previously given for the like purpose, issue out of the Consolidated Fund, or the growing produce thereof, such sums not exceeding in the whole the sum of thirty million pounds as may be required by the Postmaster-General for the purpose of developing the telephonic system according to estimates approved by the Treasury. Grant for purposes of Telegraph Acts.

(2) The Treasury may, if they think fit, for the purpose of providing money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities for a term not exceeding twenty years, and all sums so borrowed shall be paid into the Exchequer.

(3) The said annuities shall be paid out of moneys provided by Parliament for the service of the Post Office, and if those moneys are insufficient shall be charged on and paid out of the Consolidated Fund, or the growing produce thereof.

(4) The Treasury may also, if they think fit, for the same purpose borrow money by means of the issue of Exchequer bonds, and the Capital Expenditure (Money) Act, 1904, shall have effect as if this Act had been in force at the time of the passing of that Act. 4 Edw. 7. c. 21.

1 & 2 Geo. 5. c. 26.

(5) Section five of the Telephone Transfer Act, 1911 (which relates to audit), shall have effect as if this Act were included amongst the Acts therein mentioned.

Short title.

2. This Act may be cited as the Telegraph (Money) Act, 1925, and may be cited with the Telegraph Acts, 1863 to 1924.

CHAPTER 66.

An Act to amend the Seeds Act, 1920.

[7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 10 & 11 Geo. 5. c. 54.

1.—(1) To section eleven of the Seeds Act, 1920, shall be added the following subsection, namely:—

(3) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction proceedings for an offence under this Act for making or causing to be made a false statement as to the class or variety of seed potatoes, may be commenced at any time within twelve months of the date on which the alleged offence was committed.

(2) This Act shall not extend to Northern Ireland.

Short title.

2. This Act may be cited as the Seeds (Amendment) Act, 1925.

CHAPTER 67.

An Act to explain the meaning of the expressions "transmission" and "rent or royalty" where used in certain provisions of the Wireless Telegraphy Act, 1904. [7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Explanation of certain expressions in 4 Edw. 7. c. 24. ss. 1 (7) and 2.

1. For removing doubts as to the meaning of certain expressions in the Wireless Telegraphy Act, 1904, it is hereby declared that:

(1) The expression "transmission" where used in subsection (7) of section one and section two of that Act in relation to messages includes, and shall be deemed always to have included, the reception as well as the sending of messages:

(2) The expression "rent or royalty" where used in section two of that Act in relation to licences does not include, and shall be deemed never to have included, fees (whether periodical or of any other kind) charged in respect of the grant or renewal of licences:

Provided that nothing in this Act shall render any person liable in respect of any act or omission prior to the twenty-second day of June, nineteen hundred and twenty-five, to any penalty to which he would not but for this Act have been liable.

Short title and construction. 6 Edw. 7 c. 13.

2. This Act may be cited as the Wireless Telegraphy (Explanation) Act, 1925, and shall be construed as one with the Wireless Telegraphy Act, 1904, and that Act and the Wireless Telegraphy Act, 1906, and this Act may be cited together as the Wireless Telegraphy Acts, 1904 to 1925, and the Telegraph Acts, 1863 to 1924, and this Act may be cited together as the Telegraph Acts, 1863 to 1925.

CHAPTER 68.

An Act to make further provision for the improvement of roads, including the prescription of building lines, and for purposes connected therewith. [7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Planting of trees and laying out of grass margins in highways.

1.—(1) The Minister of Transport (hereinafter referred to as the Minister) and any county council or other highway authority shall have power to cause trees or shrubs to be planted and grass margins to be laid out in any highway maintainable by him or them respectively; and to erect and maintain guards or fences and otherwise to do anything expedient for the maintenance or protection of such trees, shrubs and grass margins.

(2) No such tree, shrub, grass margin, guard or fence shall be placed, laid out or allowed to remain in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof, or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the highway.

(3) The powers conferred by this section shall not be exercised by the Minister, or any county council or other highway authority except in a highway vested in him or them respectively, or upon land so vested which forms part of a highway.

(4) Where an urban authority incurs expenses under this section in connection with a main road which is maintained and repaired by that authority pursuant to subsection (2) of section eleven of the Local Government Act, 1888, the expenses shall not be treated as part of the costs towards which the county council are required to make an annual payment under that subsection except where and so far as the county council consent to their being so treated.

51 & 52 Vict. c. 41.

(5) If damage is caused to the property of any person by anything done in exercise of the powers conferred by this section, that person shall, unless the damage was caused or contributed to by his negligence, be entitled to recover compensation therefor from the Minister, county council or other highway authority by whom the powers were exercised.

(6) For the purposes of section seven of the Telegraph Act, 1878, any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament, and any county council or highway authority carrying out the work shall be deemed to be the undertakers. 41 & 42 Vict. c. 76.

2. For the purposes of Part II. of the Development and Road Improvement Funds Act, 1909, the expression "improvement of roads" shall, in addition to the matters specified in subsection (5) of section eight of that Act, include the planting, laying out, maintenance and protection of trees, shrubs and grass margins in and beside roads, the placing on or near roads of notices, milestones and sign posts, the freeing of roads from tolls, and the prescription of building lines along roads. Amendment of s. 8 of 9 Edw. 7. c. 47.

3. Where under Part II. of the Development and Road Improvement Funds Act, 1909, a new road is constructed, or an advance is made in respect of the construction or improvement of a road, and land forming part of any common, open space, or allotment, is under any enactment acquired, or proposed to be acquired, for the purposes of such construction or improvement, if any land is required for the purpose of being given in exchange for such land, the land required to be given in exchange shall be deemed to be required for the purpose of the construction or improvement of the road, and the provisions of section eleven of the said Act, as amended by any subsequent enactment, shall apply accordingly. Acquisition of land to be given in exchange for common land, &c.

4.—(1) Where the Minister or any county council or other highway authority is of opinion that it is necessary for the prevention of danger arising from obstruction to the view of persons using the highway Prevention of obstruction to view at corners.

to impose restrictions with respect to any land at or near any corner or bend in a highway maintainable by him or them, respectively, the Minister, county council, or other highway authority may serve a notice—

(*a*) upon the owner or occupier of the land directing him to alter the height or character of any wall (not being a wall forming part of the structure of a permanent edifice), fence, or hedge thereon so as to cause it to conform with any requirements specified in the notice; or

(*b*) upon every owner, occupier and lessee of the land restraining them either absolutely or subject to such conditions as may be specified in the notice, from permitting any building, wall, fence, or hedge to be erected or planted on the land:

Provided that—

(i) there shall be annexed to any notice served under this section a plan showing the land to which the notice relates; and

(ii) a notice restraining the erection of any building upon land shall not be served by the Minister or any county council or other highway authority except with the consent of the local authority for the district in which the land is situated; and

(iii) the owner or occupier of any land shall not be restrained by a notice served under this section from executing or permitting the reconstruction or repair in such manner as not to create any new obstruction to the view of persons using the highways adjacent to the land of any building which was upon the land before the service of the notice.

(2) Any restrictions imposed by a notice served under this section shall come into force upon the service of the notice and shall remain in force until the notice is withdrawn by the Minister, county council, or other highway authority by whom it was served, and any such restrictions shall, while in force, be binding upon any successor in title to the owner or occupier of the land to which they relate unless he proves that when he

became the owner or occupier of the land he had, after making due inquiries, no reasonable cause to suspect that any such restrictions were in force.

(3) If any person upon whom a notice has been served under this section objects to comply with any requirement of the notice, or objects to any restriction imposed thereby, he may, within fourteen days after receipt of the notice, send his objection in writing, stating the grounds thereof, to the authority by whom the notice was served, and thereupon the question whether the notice shall be withdrawn as respects any requirement or restriction objected to shall be determined in the manner provided by this Act.

(4) Any person upon whom a notice is served under this section shall have power, notwithstanding anything in any conveyance or in any lease or other agreement, to do all such things as may be necessary for complying with the requirements of the notice.

(5) Where notice has been served upon any person under this section, the Minister, county council, or other highway authority by whom the notice was served may, with the consent of that person, do on his behalf anything necessary for complying with the requirements of the notice.

(6) Subject to the provisions of this section, if any person upon whom a notice has been served under this section fails to comply with the requirements of, or acts in contravention of, the notice, he shall, without prejudice to any other proceedings which may be taken against him, be guilty of an offence and shall be liable on summary conviction thereof to a penalty not exceeding five pounds, and any person so convicted shall within such time as the court may allow do all such things as may be necessary to conform to the requirements or restrictions imposed by the notice, and if he fails to do so he shall be deemed to commit a continuing offence, and shall be liable on summary conviction thereof to a penalty not exceeding forty shillings for each day upon which such failure continues.

(7) Any person upon whom a notice is served under this section shall be entitled to recover from the Minister, county council, or other highway authority by whom the notice was served any expenses reasonably incurred

by him in carrying out any directions contained in the notice; and any person sustaining loss in direct consequence of any requirement of a notice served under this section, or any person who proves that his property is injuriously affected by restrictions imposed by any such notice shall, if he makes a claim within six months after the service of the notice be entitled to recover from the Minister, county council, or other highway authority by whom the notice was served compensation for the injury sustained.

(8) The improvement of a road by a county council or other highway authority in exercise of their powers under this section shall, whether or not land is required to be purchased for the purpose, be deemed to be an improvement in respect of which the Minister is empowered to make advances under section eight of the Development and Road Improvement Funds Act, 1909, as amended by any subsequent enactment.

(9) Nothing in this section shall—

(*a*) authorise the service of a notice under this section with respect to any wall forming part of an ancient monument or other object of archæological interest, except with the consent in writing of the Commissioners of Works; or

(*b*) apply with respect to any wall belonging to a railway company or to the owners, trustees, or conservators acting under powers conferred by Parliament of any canal, inland navigation, dock, or harbour where the wall forms part of or is necessary for the maintenance of their railway, canal, inland navigation, dock, or harbour.

Prescription of building lines.

5.—(1) Subject to the provisions of this section a county council or other highway authority may by resolution prescribe in relation to either side of any part of a highway maintainable by them a frontage line for building (in this section referred to as "a building line"):

Provided that—

(*a*) the Minister may by order direct that a building line shall not be prescribed under this section in relation to any class of road

classified by him under subsection (2) of section seventeen of the Ministry of Transport Act, 1919, until notification of the building line proposed has been sent to him and his observations with respect thereto have been considered; and 9 & 10 Geo. 5. c. 50.

(*b*) before a building line is prescribed under this section—

(i) affecting any main road maintainable by an urban authority by virtue of the provisions of subsection (2) of section eleven of the Local Government Act, 1888, notification of the building line proposed to be prescribed shall be sent to the council of any county in which any land proposed to be affected is situated; or

(ii) by any county council, notification of the building line proposed to be prescribed shall be sent to the local authority for every district in which any land proposed to be affected is situated, and to every authority for the time being authorised to make a scheme under the Town Planning Act, 1925, or under any enactment repealed by that Act, in respect of any such district, 15 Geo. 5. c. 16.

and any observations by an authority to whom notification has been sent as aforesaid, which are made within three months after the receipt of the notification shall be considered by the authority proposing to prescribe the building line.

(2) Any building line proposed to be prescribed and every building line prescribed under this section shall be distinctly marked and shown on plans to be signed by, and deposited with, the clerk of the authority prescribing the building line, and the said plans shall be at all reasonable times thereafter open for the inspection of the public without charge; and any county council or other highway authority prescribing a building line under this section—

(*a*) before the building line is prescribed shall give notice in writing of the proposal to prescribe

the building line and of the times and place at which the plans aforesaid can be inspected, by serving a notice in writing upon every owner, occupier and lessee of land proposed to be affected, and shall consider any objection to the proposal made within six weeks after the service of the notice;

(*b*) within six weeks after the building line has been prescribed, shall cause the plan showing the building line to be sealed and authenticated by the signature of their clerk, and shall serve upon every owner, occupier and lessee of land affected a notice in writing of the prescription of the building line and of the times and place at which the said plan can be inspected.

(3) Where a building line prescribed under this section is in force it shall not be lawful, except with the consent of the authority by whom the building line was prescribed, to erect or make nearer to the middle of the highway than the building line any new building, other than a boundary wall or fence, or any permanent excavation below the level of the highway:

Provided that the consent of a county council or other highway authority for the purposes of this subsection may be given subject to such conditions as the authority think fit to impose, and any conditions so imposed shall be binding upon any successor in title to the owner, occupier or lessee of any land to which they relate.

(4) If any person erects or makes, or permits to be erected or made, any new building, or permanent excavation in contravention of the provisions of this section, he shall, without prejudice to any other proceedings which may be taken against him, be guilty of an offence and shall be liable on summary conviction thereof to a penalty not exceeding five pounds, and any person so convicted shall, within such time as the court may allow, remove any building erected, or fill in any excavation made in contravention of this section, and if he fails to do so he shall be deemed to commit a continuing offence, and shall be liable on summary conviction thereof to a penalty not exceeding forty shillings for each day upon which such failure continues.

(5) Any person who proves that his property is injuriously affected by the prescription of a building line under this section shall, if he makes a claim within six months after the prescription thereof, or in the case of an owner, occupier, or lessee, within six months after the service upon him of a notice of the prescription thereof, be entitled to recover from the county council or other highway authority by whom the building line was prescribed, compensation for the injury sustained, and any question whether compensation is payable under this section, or as to the amount of any compensation so payable, shall in default of agreement be determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919: 9&10 Geo. 5. c. 57.

Provided that in determining any such question as aforesaid—

(*a*) no compensation shall be payable to any person in respect of anything done by him or on his behalf after the date of the service upon him of a notice of the proposal to prescribe a building line, except in respect of anything done in pursuance of a contract made, or for the purpose of finishing a building begun, before that date; and

(*b*) there shall be taken into account any benefit accruing to the person to whom compensation is payable, by reason of any improvement made or about to be made to the highway.

(6) In the administrative County of London the powers conferred by this section shall not be exercised except by the London County Council, and may be exercised by that council in relation to any highway, whether maintainable by them, by the Common Council of the City of London, or by a metropolitan borough council; and all expenses of the London County Council incurred under this section, so far as not defrayed out of any advance made by the Minister, shall be defrayed as expenses for general county purposes:

Provided that the Common Council of the City of London and any metropolitan borough council may, as

part of the general expenses of the council, pay or contribute towards the payment of any expenses incurred by the London County Council under this section.

(7) The powers conferred by this section shall be in addition to, and not in derogation of, any powers conferred by any other Act:

Provided that a county council or other highway authority shall not, except with the consent of the Minister of Health and subject to any conditions imposed by him, exercise the powers conferred by this section with respect to any land to which a resolution having effect under section two of the Town Planning Act, 1925, or under any corresponding enactment repealed by that Act, extends.

(8) Nothing in this section shall affect—

(*a*) any right of statutory undertakers for gas, water, electricity, tramways or light railways, to make any excavation for the purpose of laying, altering, repairing or renewing any main, pipe, electric line, duct or other apparatus; or

(*b*) any land belonging to a railway company or to the owners, trustees or conservators acting under powers conferred by Parliament, of any canal, inland navigation, dock or harbour where the land is held by them for the purposes of their railway, canal, inland navigation, dock or harbour, except in so far as they may consent thereto; or

(*c*) any land specifically authorised by Parliament to be used by any statutory undertakers for the manufacture or storage of gas, the generating of electricity, or as a pumping station or reservoir for water, except in so far as the undertakers may consent thereto:

Provided that any consent required for the purposes of this subsection shall not be unreasonably withheld, and any question whether or not consent so required is unreasonably withheld shall be determined by the Minister after consultation with the Minister of Health.

Power to conduct experiments.

6.—(1) The Minister may, either by himself or through any authority or other organisation approved by him, conduct experiments or trials for the improvement of the construction of roads, or for testing the effect of various classes of vehicles on various types of roads, and may construct such roads and works, erect such plant, provide such accommodation, and, subject to the approval of the Treasury, incur such expenditure as may be necessary for the purpose.

(2) An experiment or trial under this section shall not be conducted on any highway except with the consent of the authority or person responsible for the maintenance of the highway, and, where the highway is a main road maintained by an urban authority pursuant to subsection (2) of section eleven of the Local Government Act, 1888, the consent of the county council also.

(3) If damage is caused to the property of any person by anything done in exercise of the powers conferred by this section, that person shall, unless the damage was caused or contributed to by his negligence, be entitled to recover compensation therefor from the Minister.

Joint exercise of powers.

7. The powers conferred by this Act upon the Minister, or any county council or other highway authority may, by agreement between any of them respectively, be exercised jointly, and any such agreement may provide for the apportionment of any expenses incurred thereunder.

Expenses.

8. All expenses under this Act incurred by the Minister shall be paid out of the Road Fund, and all such expenses incurred by a county council or other highway authority, so far as not defrayed out of any advance made by the Minister, shall, except as otherwise in this Act expressly provided, be defrayed as expenses incurred by the county council or authority in exercise of their powers as a highway authority, and the enactments relating to such expenses, including the provisions thereof as to borrowing, shall apply accordingly.

Determination of questions.

9.—(1) If any question arises—

(*a*) whether compensation is payable under any of the provisions of this Act except section

five thereof or as to the amount of any compensation so payable; or

(*b*) whether a notice served under section four of this Act shall be withdrawn as respects any requirement or restriction objected to in manner provided by this Act; or

(*c*) whether any expenses were reasonably incurred by any person in carrying out directions contained in a notice served under section four of this Act;

the question shall be decided, if the parties so agree, by a single arbitrator appointed by them, or in default of such agreement as aforesaid, by the county court.

(2) A county court shall have jurisdiction to deal with any such question as aforesaid, notwithstanding that, by reason of the amount of claim or otherwise, the case would not, but for this provision, be within the jurisdiction of a county court.

(3) In determining any question whether a notice served under section four of this Act shall be withdrawn as respects a requirement or restriction objected to, the arbitrator or court shall have power to order that the requirement or restriction shall have effect subject to such modifications, if any, as the arbitrator or court may direct.

(4) Except in so far as they may be applied by county court rules, the provisions of the Arbitration Act, 1889, shall not apply to any proceedings in a county court under this Act.

52 & 53 Vict. c. 49.

Provisions as to notices.

10. Subject as hereinafter provided, every notice which may be served under this Act may be served either by delivering it or leaving it at the usual or last known place of abode of the person on whom it is to be served, or by sending it by post as a registered letter addressed to him at his usual or last known place of abode, or if that cannot be found, by fixing it on some conspicuous part of the land; and any such notice or document may be addressed, as the case may require, to the "owner," "occupier" or "lessee" of the land (describing it) without further name or description:

Provided that a notice requiring the owner or occupier of land to alter the height or character of any

wall, fence or hedge thereon shall be served personally upon him or his agent, or upon some person having charge of his affairs, and if the notice is served upon the occupier a copy thereof shall be served upon the owner, or if it is served upon the owner a copy thereof shall be served upon the occupier of the land.

Interpretation.

11. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"Building" includes any erection of whatsoever material and in whatsoever manner constructed, and any part of a building;

"Common, open space and allotment" have the meanings respectively assigned to them by the Development and Road Improvement Funds Act, 1909;

"Fence" includes any hoarding or paling;

"Hedge" includes any tree or shrub, whether forming part of a hedge or not;

"Local authority for the district" means as respects land within the administrative County of London, the Common Council of the City of London, or a metropolitan borough council, as the case may require, and as respects any other land, the district council:

"New building" includes any addition to an existing building;

"Owner" has the same meaning as in the Public Health Acts, 1875 to 1907;

"Road" includes any bridge, viaduct, subway, road, ferry and footway;

"Wall" includes any partition of whatsoever material constructed, and any bank.

Application to Scotland.

12. In the application of this Act to Scotland—

(*a*) a reference to the Scottish Board of Health shall be substituted for any reference to the Minister of Health, and a reference to the Town Planning (Scotland) Act, 1925, shall be substituted for any reference to the Town Planning Act, 1925; 15 Geo. 5. c. 17.

(*b*) The expression "highway authority" shall mean a county council or a district committee in a county divided into districts, or a town council charged with the management and maintenance of the highways in the burgh;

(*c*) The expression "county court" shall mean sheriff court;

(*d*) Subsection (3) of section one shall not apply as regards any highway authority, but the powers conferred by that section shall not be exercised by any county council, district committee, or town council in any highway or in any land forming part thereof unless the county council, district committee, or the town council of the county, district or burgh in which such highway is situated is charged with the management and maintenance thereof;

(*e*) paragraph (ii) of the proviso to subsection (1) of section four, and paragraph (*b*) of the proviso to subsection (1) of section five shall not apply, but a notice restraining the erection of any building on land situated within a burgh the town council of which is not charged with the management and maintenance of the highways therein, shall not be served without the consent of such town council, and a building line affecting land within any such burgh shall not be prescribed by a county council or by a district committee without the consent of the town council of such burgh.

Short title and extent.

13.—(1) This Act may be cited as the Roads Improvement Act, 1925.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 69.

An Act to amend subsection (3) of section one and subsection (2) of section three of the Unemployment Insurance (No. 2) Act, 1924, to amend the law with respect to the period on the expiration of which benefit under the Acts relating to unemployment insurance becomes payable and with respect to the rates of contribution under the said Acts, and to continue the saving contained in subsection (1) of section eleven of the Unemployment Insurance Act, 1923. [7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 1 (3) of Unemployment Insurance (No. 2) Act, 1924. 14 & 15 Geo. 5. c. 30.

1. Subsection (3) of section one of the Unemployment Insurance (No. 2) Act, 1924 (which gives a right to receive benefit to persons who otherwise would not be entitled thereto), shall have effect as if for the words "he shall nevertheless be entitled to receive benefit" there were substituted the words "the Minister may, if, having regard to all the circumstances of the case, he considers it expedient in the public interest so to do, authorise that person to receive benefit."

Amendment as to statutory conditions.

2. Subsection (2) of section three of the Unemployment Insurance (No. 2) Act, 1924 (which provides that during the period between the commencement of that Act and the first day of October, nineteen hundred and twenty-five, a person is to be entitled to receive benefit, if the Minister thinks fit so to direct, notwithstanding that the first statutory condition may not have been fulfilled in his case), shall have effect as though the thirtieth day of June, nineteen hundred and twenty-seven, were therein substituted for the first day of October, nineteen hundred and twenty-five.

Amendment as to waiting period.

3. Paragraph 1 of Part I. of the First Schedule to the Unemployment Insurance (No. 2) Act, 1924 (which provides that benefit shall be payable in respect of each week after the first three days of a continuous period of unemployment), shall from the first day of October, nineteen hundred and twenty-five, have effect as if the words "the first week" were therein substituted for the words "the first three days."

Rates of contribution.

4.—(1) The following provisions shall have effect with respect to the contributions payable under the Unemployment Insurance Acts, 1920 to 1924, in respect of employed persons:—

(*a*) As from and after the fourth day of January, nineteen hundred and twenty-six, and thereafter during the remainder of the deficiency period as defined in section sixteen of the Unemployment Insurance (No. 2) Act, 1921, and during a further period thereafter ending on such date as the Minister may by order prescribe, not being a date later than the first day of the insurance year commencing next after the end of the aforesaid deficiency period (the aggregate of which two periods is in this section referred to as "the extended period"), the contributions payable as aforesaid by employed persons and their employers shall be at the respective rates set out in the First Schedule to this Act:

11 & 12 Geo. 5. c. 15.

(*b*) As from and after the fifth day of April, nineteen hundred and twenty-six, until the expiration of the extended period, the contribution payable as aforesaid out of moneys provided by Parliament shall be a contribution of such an amount as may be determined by the Treasury to be approximately equivalent, having regard to the estimated proportions in which contributions are payable in respect of men, women, boys and girls, to the sum which would be produced by weekly contributions paid in respect of insured and exempt persons as respects the period beginning on the said fifth day of April, nineteen hundred and twenty-six, and ending on the first day of January, nineteen hundred and twenty-eight, or on the date of the expiration of

the extended period, whichever date is the earlier, at the respective rates set out in Part I. of the Second Schedule to this Act, and, if the extended period does not expire on or before the first day of January, nineteen hundred and twenty-eight, then, as respects the period beginning on the second day of January, nineteen hundred and twenty-eight, and ending on the date of the expiration of the extended period, at the respective rates set out in Part II. of the Second Schedule to this Act:

(*c*) If at the end of the first quarter of the year nineteen hundred and twenty-six or at the end of any subsequent quarter of any year the Minister, with the concurrence of the Treasury, declares that the average of the amounts of the advances made by the Treasury to the unemployment fund (in this section referred to as "advances") outstanding on the last day of each week in the quarter together with the interest accrued up to the said last day in respect of advances exceeds the amount of the advances outstanding on the thirty-first day of December, nineteen hundred and twenty-five, together with interest accrued up to the said thirty-first day in respect of advances (which last-mentioned amount together with the accrued interest is hereinafter referred to as "the 1925 debt"), the rates of the contributions payable out of moneys provided by Parliament shall be deemed to have been increased in respect of that quarter, in the case of an employed person being a man by one penny, and in any other case by one halfpenny:

(*d*) If at any time during the extended period the amount of the outstanding advances together with interest accrued thereon does not exceed the amount of the 1925 debt, and the Minister is of opinion, and the Treasury concur therein, that, having regard to all the circumstances of the case, the amount of the advances which will at any time during the next succeeding insurance year be outstanding

together with interest accrued thereon is not likely to exceed the amount of the 1925 debt, the Minister may, in respect of contributions payable for that next succeeding insurance year, by regulations reduce the rate of the contribution payable by the employer by one penny in the case of the contribution payable in respect of a man or a woman and by one halfpenny in the case of the contribution payable in respect of any other person.

Where it is necessary to ascertain any amount for the purposes of the foregoing paragraphs (*c*) and (*d*), that amount shall be ascertained by the Minister in consultation with the Treasury. An order made under paragraph (*a*) of this subsection shall be laid before both Houses of Parliament in the same manner as regulations made under the Unemployment Insurance Act, 1920, and subsection (3) of section thirty-five of that Act shall apply accordingly.

10 & 11 Geo. 5. c. 30.

(2) After the end of the extended period the contribution to be made for the purposes of section five of the principal Act out of moneys provided by Parliament shall be at a rate equal to three-sevenths of the aggregate amount of the contributions paid in respect of the employed person by himself and his employer, or, in the case of an exempt person, paid by his employer, and subsections (3) and (7) of the said section five shall have effect accordingly, and the contributions payable by employed persons and their employers shall be at rates to be prescribed under subsection (2) of section four of the Unemployment Insurance Act, 1923, as if the date prescribed under this section were the date prescribed under that section.

13 Geo. 5. c. 2.

(3) Nothing in this section shall affect the provisions of sections fifteen and sixteen of the Unemployment Insurance Act, 1920 (which provide respectively for securing the solvency of the unemployment fund and for a periodical revision of the rates of contribution).

Saving, repeal, application, short title and commencement.

5.—(1) Notwithstanding anything in any Act, it shall not be necessary for the Minister at any time before the first day of July, nineteen hundred and twenty-six, to require any association to make for the

purposes of proviso (*a*) to subsection (1) of section seventeen of the principal Act, any greater provision for unemployment benefit than would have been required to be made for those purposes under that Act as originally enacted.

(2) This Act does not apply to Northern Ireland.

(3) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule as from the dates on which the corresponding provisions of this Act respectively come into operation.

(4) This Act may be cited as the Unemployment Insurance Act, 1925, and shall be construed as one with the Unemployment Insurance Acts, 1920 to 1924, and those Acts and this Act may be cited together as the Unemployment Insurance Acts, 1920 to 1925, and any reference in this Act to the Unemployment Insurance Acts, 1920 to 1924, or to any of those Acts, shall, unless the context otherwise requires, be construed as a reference to those Acts, that Act, or that provision, as amended by this Act.

(5) This Act shall, except as therein otherwise expressly provided, come into operation on the second Thursday next after the passing thereof.

SCHEDULES.

FIRST SCHEDULE. Section 4.

RATES OF CONTRIBUTIONS BY EMPLOYED PERSONS AND EMPLOYERS.

Ordinary Rates.

From the employed person for each week :—

	s.	*d.*
In the case of men		7
In the case of women		6

From the employer for each week :—

In the case of employed persons being men		8
In the case of employed persons being women		7

1ST SCH. —*cont.*

Rates in the case of Persons under eighteen.

	s.	d.
From the employed person for each week:—		
In the case of boys		$3\frac{1}{2}$
In the case of girls		3
From the employer for each week:—		
In the case of employed persons being boys		4
In the case of employed persons being girls		$3\frac{1}{2}$

Section 4.

SECOND SCHEDULE.

RATES OF CONTRIBUTIONS OUT OF MONEYS PROVIDED BY PARLIAMENT.

PART I.

DURING THE EXTENDED PERIOD, OR, IF THE EXTENDED PERIOD DOES NOT EXPIRE ON OR BEFORE 1ST JANUARY 1928, DURING THE PERIOD ENDING ON THAT DATE.

Ordinary Rates.

	s.	d.
For every contribution paid in respect of a man		8
For every contribution paid in respect of a woman		6

Rates in the case of Persons under eighteen.

For every contribution paid in respect of a boy		$4\frac{5}{8}$
For every contribution paid in respect of a girl		$4\frac{3}{8}$

Rates in the case of exempt Persons.

For every contribution paid in respect of a man		$2\frac{1}{2}$
For every contribution paid in respect of a woman		$2\frac{1}{4}$
For every contribution paid in respect of a boy		$1\frac{1}{4}$
For every contribution paid in respect of a girl		$1\frac{1}{8}$

PART II. 2nd Sch. —*cont.*

DURING SUCH TIME AS THE EXTENDED PERIOD CONTINUES AFTER 1ST JANUARY 1928.

Ordinary Rates.

	s.	d.
For every contribution paid in respect of a man -		7
For every contribution paid in respect of a woman		5½

Rates in the case of Persons under eighteen.

For every contribution paid in respect of a boy -		4⅛
For every contribution paid in respect of a girl -		3⅞

Rates in the case of exempt Persons.

For every contribution paid in respect of a man -		2
For every contribution paid in respect of a woman		1¾
For every contribution paid in respect of a boy -		1
For every contribution paid in respect of a girl -		⅞

THIRD SCHEDULE. Section 5.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
12 & 13 Geo. 5. c. 7.	The Unemployment Insurance Act, 1922.	Section two and the First Schedule.
13 & 14 Geo. 5. c. 2.	The Unemployment Insurance Act, 1923.	In subsection (2) of section four the words from "and "the contribu- "tion to be "made" to the end of the sub-section, and sub-section (1) of section eleven.
14 & 15 Geo. 5. c. 30.	The Unemployment Insurance (No. 2) Act, 1924.	Section five.

CHAPTER 70.

An Act to make provision for pensions for widows, orphans, and persons between the ages of sixty-five and seventy, and for the payment of contributions in respect thereof; and to amend the enactments relating to health and unemployment insurance and old age pensions.

[7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Contributory Pensions.

Contributory pensions for widows, orphans, and persons between the ages of 65 and 70.

1.—(1) Subject to the provisions of this Act relating to the payment of contributions (including payments out of moneys provided by Parliament) and otherwise, pensions shall be payable as follows, that is to say—

(*a*) to the widow of an insured man a pension at the rate of ten shillings per week, with an additional allowance in respect of children while under the age hereinafter specified, at the rate of five shillings per week for the eldest or only such child, and three shillings per week for each other such child (in this Act called a "widow's pension");

(*b*) in respect of the orphan children while under the age hereinafter specified of an insured man or of an insured widow, a pension at the rate of seven shillings and sixpence per week for each such child (in this Act called an "orphan's pension");

(*c*) to an insured man or an insured woman who has attained the age of sixty-five but has not attained the age of seventy, and to the wife of an insured man who has attained the age of sixty-five (such wife having attained the age of sixty-five but not having attained the age

of seventy) a pension at the rate of ten shillings per week (in this Act called an "old age pension").

(2) The specified age in relation to any child shall be the age of fourteen or the age not exceeding sixteen up to which the child remains under full-time instruction in a day school.

(3) By way of contribution towards the cost of carrying this Act into effect there shall be paid such contributions as are hereinafter in this Act provided.

Meaning of "insured." 14 & 15 Geo. 5. c. 38.

2.—(1) In this Act, unless the context otherwise requires, the expression "insured" means insured under the National Health Insurance Act, 1924 (in this Act referred to as the Insurance Act) or the Acts repealed by that Act, and in relation to any person who is deemed to be insured for the purposes of this Act, includes such a person; and the expression "insurance" in relation to a person so deemed to be insured shall be construed accordingly.

(2) For the purposes of this Act, but not for any other purpose, a person insured under the Insurance Act shall be deemed to continue to be so insured during any period during which he is by virtue of subsection (4) of section twelve of the Insurance Act entitled to medical benefit.

(3) An exempt person and a person engaged in an excepted employment shall be deemed to be insured for the purposes of this Act in the circumstances and to the extent mentioned in this Act.

Widows and Orphans Pensions.

Widows pensions.

3.—(1) Subject to the provisions of this Act, the widow of a person who dies after the commencement of this Act and who is insured at the date of his death but has not attained the age of seventy before the commencement of this Act shall, if the statutory conditions hereinafter mentioned are complied with, be entitled to a widow's pension:

Provided that the widow of a man who had attained the age of sixty at the date of the marriage shall not, if the marriage takes place after the twenty-ninth day of

April, nineteen hundred and twenty-five, be entitled to a widow's pension unless either—

(*a*) there are or have been one or more children of the marriage; or

(*b*) at the date of the death of her husband three years or more have elapsed since the date of the marriage; or

(*c*) she was immediately before the marriage in receipt of a widow's pension.

(2) A widow's pension shall continue to be payable until the widow attains the age of seventy unless she re-marries before attaining that age, in which case the pension shall cease.

(3) An additional allowance shall, subject as hereinafter provided, be paid to the widow together with and as part of the pension:

Provided that, if for any reason other than the death of the widow, the widow's pension ceases to be payable before the expiration of the time during which an additional allowance is payable, such cesser shall not affect the continuance of the additional allowance.

Orphans pensions.

4.—(1) Subject to the provisions of this Act, an orphan's pension shall, if the statutory conditions hereinafter mentioned are complied with, be payable in respect of the orphan child—

(*a*) of a man who, being a married man or a widower, dies after the commencement of this Act and is insured at the date of his death and has not attained the age of seventy before the commencement of this Act;

(*b*) of a widow who dies after the commencement of this Act and is insured at the date of her death.

(2) Where an additional allowance is payable in respect of a child and the widow who was entitled to the widow's pension as part of which the additional allowance was or had been payable dies, an orphan's pension shall be payable in respect of the child; and where the wife of a man has predeceased him, and, if she had survived him and died immediately after she had become entitled to a widow's pension, an orphan's pension would under the foregoing provision of this subsection have been payable in respect of any child,

an orphan's pension shall on the death of the man be payable in respect of that child.

(3) An orphan's pension shall, subject as hereinafter provided, be payable to the guardian or other person having the charge of the child.

Statutory conditions as to widows and orphans pensions.

5. The statutory conditions to be complied with in the case of a person in respect of whose insurance a widow's pension or an orphan's pension is payable are—

(*a*) that one hundred and four weeks have elapsed and one hundred and four contributions have been paid by or in respect of that person since the date of his entry into insurance; and

(*b*) where two hundred and eight weeks or more have elapsed since the date of the entry of that person into insurance, that the number of contributions paid, or deemed in accordance with regulations under this Act to have been paid, by or in respect of him for the three contribution years immediately prior to his death, or to the date on which contributions under the Insurance Act ceased to be payable by or in respect of him by reason of his age, as the case may be, represents on the average not less than twenty-six contributions calculated in the prescribed manner in respect of each of those three years.

Special provisions as to additional allowances and orphans pensions.

6.—(1) Where by order of any court any child in respect of whom an additional allowance is payable under this Act is or has before the commencement of this Act been removed from the custody of the person to whom the allowance is or would be payable, an orphan's pension shall be substituted for the additional allowance and shall be paid to the person in whose charge the child is or has been placed, or in such other manner as may from time to time be directed by order of the court.

(2) Where a representation is made to the Minister by the local authority or otherwise—

(*a*) with reference to an additional allowance payable in respect of a child, that the widow or other person to whom the additional allowance is payable has deserted or abandoned or ceased to

support the child, or has become disqualified for the time being from receiving a widow's pension, and that it would be in the interests of the child that the additional allowance should be administered by the local authority or some other person for the benefit of the child;

(*b*) with reference to an orphan's pension payable in respect of a child, that it would be in the interests of the child that it should be administered by the local authority or some other person for the benefit of the child;

the Minister, if satisfied that the allegations of the representation are true, and that it would be in the interests of the child so to do, may direct that the additional allowance or orphan's pension shall be paid to the person having the charge of the child or to any other person approved by the Minister or to the local authority, to be administered by such person or by the local authority for the benefit of the child:

Provided that, where the widow or other person to whom the additional allowance or orphan's pension is payable has not had an opportunity of presenting her case personally, or through some person appointed by her, to the local authority or a person appointed for the purpose by the local authority, the Minister (except where the widow or other person cannot be found, or is in prison, or in an asylum or other similar institution) shall, before giving any such direction, give the widow or such other person as aforesaid an opportunity of so presenting her case to a person appointed by him.

(3) Where the Minister is satisfied, on the application of a woman in receipt of an additional allowance as part of a widow's pension, or of any other person having the charge of a child in respect of whom an additional allowance or orphan's pension is payable, that the child is or is about to be placed in the temporary custody of some other person and that the additional allowance or orphan's pension should be paid to that other person so long as such temporary custody continues, he may direct that the additional allowance or orphan's pension shall be paid accordingly, subject to such terms and conditions as he may think fit to impose.

Old Age Pensions.

Old age pensions.

7.—(1) As from the appointed day the following provisions shall have effect, that is to say, subject to the provisions of this Act, a person shall, if the statutory conditions hereinafter mentioned are complied with, be entitled to an old age pension—

(*a*) if he or she has before the appointed day attained the age of sixty-five and not attained the age of seventy, and was an insured person at that date; or

(*b*) if he or she attains the age of sixty-five after the appointed day, and is at the time of attaining that age an insured person; or

(*c*) if, being a woman, who has attained the age of sixty-five but has not attained the age of seventy, she is the wife of a man who is an insured person and who is or has been entitled to an old age pension by virtue of paragraph (*a*) or (*b*) of this subsection:

Provided that the wife of a man who had attained the age of sixty at the date of the marriage shall not, if the marriage takes place after the twenty-ninth day of April, nineteen hundred and twenty-five, be entitled to an old age pension under paragraph (*c*) of this subsection unless she was immediately before the marriage in receipt of a widow's pension, or unless or until three years have elapsed since the date of the marriage.

(2) An old age pension shall continue payable until the person entitled thereto attains the age of seventy years, unless, being a woman, she before attaining that age becomes entitled to a widow's pension.

Statutory conditions as to old age pensions.

8. The statutory conditions to be complied with in the case of a person in respect of whose insurance an old age pension is payable are—

(*a*) that the person was continuously insured for a period of not less than five years immediately prior to the date on which he attained the age of sixty-five, or immediately prior to the appointed day in the case of a person who attained that age before the appointed day; and

(*b*) that one hundred and four contributions have been paid by or in respect of him since the date of his entry into insurance; and

(*c*) that the number of contributions paid, or deemed in accordance with regulations under this Act to have been paid, by or in respect of him for the three contribution years immediately prior to the date on which he attained the age of sixty-five, represents on the average not less than thirty-nine contributions calculated in the prescribed manner in respect of each of those three years:

Provided that—

(i) Where the period for which a person has been continuously insured immediately prior to the date on which he attained the age of sixty-five, or to the appointed day, if he attained that age before the appointed day, is less than five years, the foregoing conditions shall apply with the substitution of a reference to the expiration of the period of five years from the date of his entry into insurance for the reference to the date on which he attained the age of sixty-five, or the appointed day, as the case may be;

(ii) In the case of a person who has before the appointed day attained the age of sixty-five and is not a person to whom the foregoing proviso applies, condition (*c*) shall apply, with the substitution of a reference to the two contribution years immediately prior to the second day of January, nineteen hundred and twenty-seven, for the reference to the three contribution years immediately prior to the date on which he attained the age of sixty-five;

(iii) Where a person on attaining the age of sixty in the case of a man, or fifty-five in the case of a woman, had been continuously insured for a period of ten years or since the fifteenth day of July, nineteen hundred and twelve, whichever period is the shorter, condition (*c*) shall, if he or she so elects, apply as if, for the reference to thirty-nine contributions, there were substituted a reference to twenty-six contributions, but in such case the regulations shall not provide that the contributions shall for the purposes of that condition be deemed to have been paid in respect of any period of unemployment except

unemployment owing to incapacity for work due to some specific disease or some bodily or mental disablement.

Contributions and Financial Provisions.

Rates of contributions.

9.—(1) For the purpose of making provision towards the cost of pensions payable under this Act, contributions under this Act shall, until varied in manner hereinafter provided, be payable at the following rates, that is to say—

(i) by or in respect of every person insured under the Insurance Act who has not attained the age of sixty-five, whether an employed contributor or a voluntary contributor, at the rates specified in Part I. of the First Schedule to this Act (which rates are hereinafter referred to as the ordinary rates of contribution);

(ii) in respect of every person employed within the meaning of the Insurance Act who has attained the age of sixty-five, at the rates specified in Part II. of the First Schedule to this Act (being the rates of contributions payable by the employer in respect of employed persons under the Insurance Act and paragraph (i) of this subsection combined);

(iii) in respect of every exempt person within the meaning of the Insurance Act who has not attained the age of sixty-five, at the rates specified in Part III. of the First Schedule to this Act;

(iv) in respect of every person who is employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or (*c*) of Part II. of the First Schedule to the Insurance Act, and who has not attained the age of sixty-five, at the ordinary rates:

Provided that—

(*a*) until the appointed day, the foregoing provisions of this subsection, other than paragraph (ii), shall have effect as if for references to the age of sixty-five there were substituted references to the age of seventy, and until that date paragraph (ii) shall not apply;

(*b*) where the Minister certifies as respects any such excepted employment as is mentioned in

paragraph (iv) of this subsection that provision is made by means of a superannuation fund established by Act of Parliament, or by means of any other statutory enactment, or by other means approved by the Minister, for securing in respect of men employed therein and of their widows and children, or in respect of women employed therein and of their children, benefits on the whole not less favourable than all the benefits conferred by this Act, no contribution shall be payable under this Act in respect of such men or such women as the case may be; and

(*c*) where the Minister is satisfied as respects any such excepted employment as is mentioned in paragraph (iv) of this subsection that provision is made as aforesaid for securing benefits in respect of men employed therein on the whole not less favourable than the benefits by way of old age pensions conferred by this Act on men and their wives, or benefits in respect of women employed therein on the whole not less favourable than the benefits by way of old age pensions conferred by this Act on women, the contributions payable in respect of such men or such women, as the case may be, shall be at the rates specified in Part IV. of the First Schedule to this Act.

(2) Where the Minister is satisfied that employment by any statutory undertakers, that is to say, persons authorised by Parliament to construct, work, or carry on any railway, canal, dock, harbour, tramway, gas, electricity, water, or other undertaking of public utility is, having regard to the normal practice of the employer, employment which is permanent in character, and that the persons engaged in that employment are entitled to rights in a superannuation fund approved by the Minister, and that the terms of the employment (including those rights) are such as to secure to the persons so engaged benefits on the whole not less favourable than the benefits (other than additional benefits but including medical benefit) conferred by the Insurance Act, the Minister may give a certificate to that effect, and thereupon, subject to such conditions as may be prescribed—

(*a*) The employment shall be treated for the purposes of this Act as if it were an excepted employment

mentioned in paragraph (iv) of subsection (1) of this section; and

(*b*) The employment shall for the purposes of the Insurance Act be treated as an excepted employment within the meaning of that Act, subject to this qualification, that where employed persons affected by this subsection are members of an approved society connected with the undertaking such financial arrangements between the society, the reserve suspense fund, and such superannuation fund as aforesaid as may be provided by a scheme approved by the National Health Insurance Joint Committee shall be carried into effect:

Provided that the Minister shall not give a certificate unless he is satisfied that, if the certificate is given, proviso (*b*) or proviso (*c*) to subsection (1) of this section would apply to the case.

(3) Where the contributions are payable in respect of an employed person they shall be payable partly by the employer and partly by the employed person, or wholly by the employer, as provided in the Part of the First Schedule to this Act applicable to the case, and where the contributions are payable by a voluntary contributor they shall be paid wholly by him.

Collection of contributions.

10.—(1) The contributions by or in respect of an insured person and in respect of an exempt person payable under this Act and under the Insurance Act shall be paid as one contribution under the Insurance Act, and (subject to such modifications and adaptations as may be prescribed) the contributions payable under this Act in respect of a person in an excepted employment or of a person who has attained the age of sixty-five shall be paid as if they were contributions under the Insurance Act, and (subject as aforesaid) all statutory provisions relating to the payment and collection of contributions under the Insurance Act, including (but without prejudice to the generality of the foregoing enactment) the provisions with respect to offences and civil proceedings in relation to contributions, with respect to priority of the claims for contributions, and with respect to the powers of inspectors, and the provisions of section thirty-one of the Unemployment Insurance Act, 1920, shall have effect accordingly.

10 & 11 Geo. 5. c. 30.

(2) Save as otherwise expressly provided by this Act, all sums collected on account of contributions under this Act shall be carried to the pensions account hereinafter constituted.

Financial provisions.

11.—(1) For the purposes of this Act, there shall be opened, in accordance with directions of the Treasury, an account to be called the pensions account, to which shall be carried all contributions under this Act, and out of which shall be met all pensions (including additional allowances) which are payable under this Act:

Provided that an old age pension under the Old Age Pensions Acts, 1908 to 1924, which is payable by virtue of this Act shall not for the purposes of this section be deemed to be a pension payable under this Act but shall be payable out of moneys provided by Parliament in manner provided by those Acts.

(2) Any sums standing to the credit of the pensions account which are not required to meet expenditure shall from time to time be paid over to the Treasury and by them credited to an account to be called the treasury pensions account.

(3) There shall also be paid out of moneys provided by Parliament into the treasury pensions account for the year ending the thirty-first day of March, nineteen hundred and twenty-seven, and for each of the next nine succeeding years the sum of four million pounds, and thereafter such sums as Parliament may determine.

(4) Any sums standing to the credit of the treasury pensions account may from time to time be invested in such manner as the Treasury may direct, and any interest received from such investments shall be credited to that account.

(5) If at any time it is shown to the Treasury that the sums in the pensions account are insufficient to meet the liabilities to be met thereout, the Treasury may out of the treasury pensions account issue to the pensions account any sums required for the purpose of discharging those liabilities.

(6) The pensions account and the treasury pensions account shall be annually examined by the Comptroller and Auditor General, and shall, together with his report thereon, be laid annually before Parliament.

Administrative expenses.

12. Any expenses incurred in the administration of this Act, to such extent as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament:

Provided that such sums as the Treasury may direct shall be paid from the pensions account and shall, in accordance with regulations made by the Treasury, be applied as an appropriation in aid of the moneys provided by Parliament for such expenses.

Special Classes of Insured Persons.

Voluntary contributors.

13.—(1) Any person, other than a married woman, who, having been at any time continuously insured, whether as an employed contributor or as a voluntary contributor, for a period of one hundred and four weeks, and having had one hundred and four contributions paid by or in respect of him, has ceased to be an insured person before the commencement of this Act may, on giving notice in that behalf within the prescribed time and in the prescribed manner, become a voluntary contributor under the Insurance Act.

(2) Any person who is at the commencement of this Act insured as a voluntary contributor, unless before the prescribed date and in the prescribed manner he gives notice to the contrary, shall cease as from that date to be entitled to pay contributions as a voluntary contributor, and as from that date shall be deemed not to be an insured person for the purposes of this Act:

Provided that, in the case of a person who by virtue of this subsection ceases to be entitled to pay contributions as a voluntary contributor, subsections (2) and (3) of section three of the Insurance Act shall have effect as if twenty-four months were therein substituted for twelve months.

(3) Where an exempt person ceases or has ceased to be employed within the meaning of the Insurance Act, or where a person employed in an excepted employment ceases or has ceased to be so employed, he may, in the circumstances and subject to the provisions hereinafter contained, become a voluntary contributor under the Insurance Act.

(4) Where an uninsured man marries an insured woman by or in respect of whom one hundred and four contributions have been paid under this Act, he may if he

gives notice within the prescribed time after the marriage and in the prescribed manner become a voluntary contributor under the Insurance Act.

(5) Where the number of contributions calculated in the prescribed manner paid, or deemed in accordance with regulations under this Act to have been paid, for any contribution year (whether paid within that year or within such period after the expiration of that year as may be prescribed) by a person insured as a voluntary contributor is less than thirty-nine, or where the number of such contributions so paid or deemed to have been paid for any two consecutive contribution years represents on the average less than forty-five contributions in respect of each of those years, that person shall, as from the expiration of the prescribed period, cease to be entitled to pay contributions as a voluntary contributor, and as from that date shall be deemed not to be insured for the purposes of this Act:

Provided that, where a person had on attaining the age of sixty in the case of a man, or fifty-five in the case of a woman, been continuously insured for a period of ten years, or since the fifteenth day of July, nineteen hundred and twelve (whichever period is the shorter), this subsection shall apply as if for references to thirty-nine contributions and forty-five contributions there were respectively substituted references to twenty contributions and twenty-six contributions.

For the purposes of this subsection, "contribution year" means a contribution year terminating after the commencement of this Act.

(6) Where a person is in receipt of a pension payable by the Minister of Pensions, the Minister of Pensions may, with the consent of the pensioner, notwithstanding anything in any Act, Royal Warrant, Order in Council, or order, pay any contributions payable by the pensioner as a voluntary contributor, and deduct the amount so paid on his behalf from the pension payable to him.

Exempt persons.

14.—(1) Contributions under this Act shall be payable in respect of every exempt person within the meaning of the Insurance Act.

(2) Every exempt person, being a man, shall, for the purposes of this Act relating to widows' pensions and orphans' pensions, but not for any other purpose,

be deemed to be an insured person, and shall for those purposes, but not for any other purpose, be deemed to continue to be so insured during any period during which he may by virtue of section twelve of the Insurance Act be entitled to medical benefit.

(3) Where before the commencement of this Act contributions under the Insurance Act or any Act repealed thereby have been paid in respect of an exempt person, then, for such of the purposes of this Act as may be prescribed, such contributions shall be treated as if they were contributions in respect of the insurance of that person, and any period during which that person was an exempt person or entitled to medical benefit shall be treated as a period of insurance.

(4) Where an exempt person by whom a certificate of exemption is surrendered is at the date of the surrender of the age of forty-five or upwards, the provisions of this Act relating to old age pensions thereunder shall apply in the case of that person with such modifications as may be prescribed.

(5) Where any exempt person, being a man in respect of whom not less than one hundred and four contributions have been paid, ceases, or has before the commencement of this Act ceased, to be employed in an employment within the meaning of the Insurance Act, he may, on giving notice in that behalf within the prescribed time and in the prescribed manner, become a voluntary contributor under the Insurance Act:

Provided that, if at the date of so becoming a voluntary contributor such person is of the age of forty-five or upwards, the provisions of this Act relating to old age pensions thereunder shall apply in the case of that person with such modifications as may be prescribed.

Persons employed in excepted employments.

15.—(1) Subject to the provisions of this Act, contributions under this Act shall be payable in respect of persons employed in an employment which is an excepted employment to which paragraph (iv) of subsection (1) of section nine of this Act applies.

(2) For the purposes of this Act persons employed in any such excepted employment as aforesaid in respect of whom contributions are paid under this Act shall be deemed to be insured as follows:—

(*a*) men in respect of whom contributions are so payable at the ordinary rates shall be deemed to

be insured for the purposes of this Act relating to widows' pensions, orphans' pensions, and old age pensions;

(*b*) women in respect of whom contributions are so payable at the ordinary rates shall be deemed to be insured for the purposes of this Act relating to orphans' pensions and old age pensions;

(*c*) men in respect of whom contributions are so payable at the rates mentioned in Part IV. of the First Schedule to this Act shall be deemed to be insured for the purposes of this Act relating to widows' pensions and orphans' pensions;

(*d*) women in respect of whom contributions are so payable at the rates mentioned in Part IV. of the First Schedule to this Act shall be deemed to be insured for the purposes of this Act relating to orphans' pensions.

(3) The provisions of the Insurance Act relating to the continuous insurance of persons ceasing to be employed shall, for the purposes of this Act, apply, subject to such modifications as may be prescribed, to persons who under this section are deemed to be insured, and where such a person as aforesaid is the person in respect of whose insurance a widows' or orphans' pension is payable, of the statutory conditions to be complied with, condition (*b*) shall not apply.

(4) Where at or within the prescribed period before the commencement of this Act a person is or was employed in an excepted employment to which this section applies, then, for such of the purposes of this Act as may be prescribed, contributions shall be deemed to have been paid in respect of him for each week before the commencement of this Act during which he was continuously so employed, and every such week shall be deemed to be a week which has elapsed since the date of his entry into insurance.

(5) Where any person who has been employed in an excepted employment to which this section applies (not being a married woman or a person in respect of whom no contributions under this Act were, or would had he continued to be so employed after the commencement of this Act have been, payable whilst he was so employed) ceases or has before the commencement of this Act ceased

to be so employed, he may, subject to the prescribed conditions, become a voluntary contributor under the Insurance Act.

(6) Where a person is employed in an employment which is an excepted employment by virtue of paragraph (*k*) of Part II. of the First Schedule to the Insurance Act (which relates to employment otherwise than by way of manual labour and at a rate of remuneration exceeding in value two hundred and fifty pounds a year), he shall, for the purposes of this Act, be treated as employed in an employment which is an excepted employment by virtue of that paragraph and not in an employment which is an excepted employment by virtue of a certificate given under any other paragraph of the same Part of the same Schedule, notwithstanding that the employment in which he is engaged is an employment which is an excepted employment also by virtue of such a certificate, and his employment shall not be deemed to be an excepted employment to which this section applies.

(7) Where a person who has been employed in an excepted employment to which this section applies has, on retirement from such employment whether before or after the commencement of this Act, been granted a superannuation allowance, then—

(*a*) if he was a person in respect of whom no contributions were, or would had he continued to be so employed after the commencement of this Act have been, payable under this Act whilst he was so employed, he shall not be capable of becoming an insured person for the purposes of this Act or of the Insurance Act or of the Unemployment Insurance Acts, 1920 to 1924, and shall not be entitled to any benefits under any of those Acts, but for the purpose of the provisions of those Acts relating to contributions, he shall as from the appointed day be treated as if he were a person who had attained the age of sixty-five;

(*b*) if he was a person in respect of whom contributions were, or would had he continued to be so employed after the commencement of this Act have been, payable under this Act at the rates mentioned in Part IV. of the First Schedule to this Act, the provisions of this Act relating

to old age pensions payable thereunder, or by virtue thereof, shall apply in the case of that person in such circumstances only, and subject to such modifications as may be prescribed:

Provided that, where a person to whom paragraph (*a*) would apply is a person who at the commencement of this Act was an insured or exempt person, he shall be treated as if he were a person to whom paragraph (*a*) did not, but paragraph (*b*) did, apply.

Where a person has been employed in an employment which would have been an excepted employment to which this section applies had the rate of his remuneration not exceeded two hundred and fifty pounds a year, this subsection shall apply to him in manner provided in the Second Schedule to this Act.

(8) Section eighty-nine of the Insurance Act (which provides for the determination by the Minister of questions relating to employment) shall apply for the purposes of this Act to any question whether any employment or class of employment is an excepted employment, or any particular class of excepted employment, to which this section applies, or whether a person was or is a person employed in such an excepted employment, and to any question as to who is or was the employer of a person employed in any such excepted employment, in like manner as if the question related to an employment within the meaning of the Insurance Act.

(9) This section shall, so far as it applies to any period whilst Part I. of the National Insurance Act, 1911, was in force, have effect as if for references to a particular paragraph of Part II. of the First Schedule to the Insurance Act there were substituted references to the corresponding paragraph of Part II. of the First Schedule to the National Insurance Act, 1911; and shall, so far as it applies to any period before the thirtieth day of June, nineteen hundred and nineteen, have effect as if for references to two hundred and fifty pounds a year there were substituted references to one hundred and sixty pounds a year.

1 & 2 Geo. 5. c. 55.

Application of Act to persons in service of Crown.

16.—(1) The provisions of this Act shall apply to persons in the service of the Crown in the same manner and to the same extent as the Insurance Act.

(2) There shall be paid out of moneys provided by Parliament for Navy, Army and Air Force services by

the Admiralty, Army Council and Air Council respectively in respect of every seaman, marine, soldier or airman, for each contribution week or part of a contribution week for which he receives pay, a contribution for the purposes of this Act at the ordinary rate.

(3) The Admiralty, the Army Council and the Air Council respectively may recover by deduction from the pay of seamen, marines, soldiers and airmen part of the contributions paid under this section to such amount, not exceeding one-half thereof, as they may think fit.

Provisions as to seamen.

17.—(1) The Minister, after consultation with the Board of Trade, may make a special order modifying in such manner as he thinks proper the provisions of this Act (but not so as to increase the rates of contributions or to decrease the rates of pension) in their application to masters and seamen, and in particular (but without prejudice to the generality of the foregoing provisions) any such order may provide for determining in the case of a ship registered in Northern Ireland the owner of which resides or has his principal place of business in Great Britain, or of a ship registered in Great Britain the owner of which resides or has his principal place of business in Northern Ireland, whether or not persons employed on the ship are to be treated as being insured for the purposes of this Act.

(2) The provisions of sections ninety-four and ninety-five of the Insurance Act (which relate to the procedure for the making of special orders) shall apply in the case of special orders made under this section.

Special provisions applicable to widows and orphans whose husbands and parents have died before the commencement of this Act, and to persons who have attained the age of seventy.

Widows and orphans pensions when husband or parent died before the commencement of Act.

18. A widow's pension shall be payable to the widow of a man who died before the commencement of this Act, and an orphan's pension shall be payable in respect of the orphan child of a man or widow who died before the commencement of this Act, in the like circumstances and under the like conditions as if the husband, father, or mother, as the case may be, had died immediately after the commencement of this Act and had then been under the age of seventy; and the

foregoing provisions of this Act relating to such pensions shall apply accordingly, subject however to the following modifications:—

(*a*) the deceased husband, father, or mother shall be deemed to have been insured at the time of his or her death, for the purpose of this Act, if he or she would have been or would have been deemed to have been so insured by virtue of any employment if this Act had been then in force, and the decision of the Minister on any question whether a person would have been so insured or deemed to have been so insured shall be final and conclusive;

(*b*) the deceased husband, father or mother, as the case may be, if deemed to be so insured, shall be deemed to be the person in respect of whose insurance the pension is payable;

(*c*) a widow's pension shall be payable only if the widow has not remarried before the commencement of this Act, and if at the commencement of this Act there is living at least one child of the marriage, or of any former marriage of either parent, under the age of fourteen: Provided that if no widow's pension is payable by reason of there being no child under the age of fourteen, but there is a child over the age of fourteen in respect of whom an additional allowance would be payable if the widow were entitled to a widow's pension, an additional allowance shall be payable in respect of that child;

(*d*) a widow's pension shall cease to be payable at the expiration of six months from the date on which the pension ceases to include any additional allowance as part thereof or on which the youngest child attains the age of fourteen, whichever is the earlier;

(*e*) of the statutory conditions required to be complied with, condition (*b*) shall not apply, and condition (*a*) shall be deemed to have been complied with if the Minister, whose decision shall be final and conclusive, is satisfied that the normal occupation of the person in respect of whose insurance the pension is payable was

at the time of his or her death such as would have been employment in respect of which contributions would have been payable under this Act if this Act had been then in force.

Pensions of widows and orphans of men over seventy at commence- of Act.

19.—(1) A widow's pension shall be payable to the widow of a man who dies after the commencement of this Act and who had attained the age of seventy before the commencement of this Act, if at the time of his death her husband was, or would had he survived the second day of July, nineteen hundred and twenty-six, have been, entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, by virtue of the next succeeding section, and if there is living at the time of his death at least one child of the marriage, or of any former marriage of either parent, under the age of fourteen:

Provided that—

(*a*) if no widow's pension is payable by reason of there being no child under the age of fourteen, but there is a child over the age of fourteen in respect of whom an additional allowance would be payable if the widow were entitled to a widow's pension, an additional allowance shall be payable in respect of that child; and

(*b*) such a pension shall cease to be payable at the expiration of six months from the date on which the pension ceases to include any additional allowance as part thereof or on which the youngest child attains the age of fourteen, whichever is the earlier.

(2) An orphan's pension shall be payable in respect of the orphan child of a man who had attained the age of seventy before the commencement of this Act if at the time of his death he was, or would had he survived the second day of July, nineteen hundred and twenty-six, have been, entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, by virtue of the next succeeding section.

(3) In the case of a man who was an exempt person or a person employed in an excepted employment, this section shall apply subject to the prescribed modifications.

Persons over seventy entitled to

20.—(1) As from the second day of July, nineteen hundred and twenty-six, the following provisions shall

old age pensions.

have effect, that is to say, a person shall be entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924—

(*a*) if being a man or a woman who has attained the age of seventy before the said second day of July he or she is at that date an insured person, and has been continuously insured since the twenty-ninth day of April, nineteen hundred and twenty-five; or

(*b*) if being a man or woman who has attained the age of seventy before the appointed day he or she is at the time of attaining that age an insured person, and has been continuously insured since the twenty-ninth day of April, nineteen hundred and twenty-five; or

(*c*) if being a woman who has attained the age of seventy she is the wife or widow of a man, who is or has been entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, by virtue of paragraph (*a*) or paragraph (*b*) of this subsection; or

(*d*) if being a woman who has attained the age of seventy she is the wife of a man who is entitled to an old age pension under this Act; or

(*e*) if, being a widow who before the death of her husband had attained the age of seventy, she would have been entitled to a widow's pension if she had not then attained that age:

Provided that the wife or widow of a man who had attained the age of sixty at the date of the marriage shall not, if the marriage takes place after the twenty-ninth day of April, nineteen hundred and twenty-five, be entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, by virtue of paragraph (*c*) or (*d*) of this subsection unless she was immediately before the marriage in receipt of a widows' pension, or unless or until five years have elapsed since the date of the marriage.

(2) An old age pension under the Old Age Pensions Acts, 1908 to 1924, to which a person becomes entitled by virtue of this section shall be payable notwithstanding that any of the statutory conditions under those Acts as to means, residence, or nationality is not satisfied in the case of that person, and shall be at the rate of ten

shillings a week notwithstanding that the yearly means of that person exceed the amount entitling him or her to a pension under those Acts at that rate.

Disqualifications, &c.

Disqualifications.

21.—(1) A woman shall not be entitled to, and shall be disqualified from receiving payment of, a widow's pension (other than such part thereof as is payable by way of an additional allowance), if and so long as she and any person are cohabiting together as man and wife.

(2) Subject to the foregoing provisions of this section, the provisions of the Old Age Pensions Acts, 1908 to 1924, with respect to the disqualifications for the receipt of a pension under those Acts (which provisions are set out with necessary adaptations in the Third Schedule to this Act), shall as so set out have effect as if re-enacted in this Act.

For the purposes of those provisions, a child in respect of whom an additional allowance is payable as part of a widow's pension, or in respect of whom an orphan's pension is payable, shall be treated as if he were in receipt of a pension; but, save as aforesaid, nothing in those provisions shall affect the right to payment of an additional allowance or orphan's pension in respect of a child.

Residential qualification of pensioners, &c.

22. A sum shall not be paid on account of a pension—

(*a*) to or in respect of any person while that person is absent from Great Britain; or

(*b*) if payment of the sum is not obtained within three months after the date on which it has become payable.

Residential qualification of persons in respect of whose insurance pensions are payable.

23.—(1) Subject as may be otherwise prescribed, a right to a pension shall not arise in respect of the insurance of any person, unless that person had—

(*a*) so far as relates to widows' pensions and orphans' pensions at the date of his death;

(*b*) so far as relates to old age pensions under or by virtue of this Act, at the date of attaining the age of sixty-five, or other the date at which apart from this section his right to the pension would have accrued;

been resident in Great Britain for a period of two years immediately prior to that date and unless

his last employment (excluding temporary employment) before that date was in Great Britain:

Provided that—

(i) in the case of a widow's or orphan's pension arising at the commencement of this Act the foregoing provisions of this section shall not apply, but a right to such a pension shall not arise unless the widow or child to or in respect of whom the pension would, apart from this section, have been payable has been resident in Great Britain for a period of two years immediately prior to the commencement of this Act or, in the case of a child under the age of two, since the date of birth;

(ii) this section shall not apply to a person who is entitled to an old age pension under or by virtue of this Act as being the wife or widow of a man who is or has been entitled to such a pension.

(2) This section subject as may be prescribed shall apply to all persons who are not British subjects in the same manner as it applies to British subjects.

(3) This section shall not apply to sailors, soldiers, and airmen insured under the provisions of this Act.

Provisions against Double Pensions, &c.

Provisions against double pensions.

24.—(1) A pension or an additional allowance under this Act shall not be payable to or in respect of any person to or in respect of whom a service dependants pension within the meaning of this Act is payable, except where such a pension is payable in respect of the service of the pensioner's son during the late war:

Provided that—

(i) regulations may be made by the Minister and the service pension authority concerned for excluding from the provisions of this subsection such service dependants pensions as may be prescribed, being service dependants pensions calculated with reference to the necessities of the pensioner, and such regulations may make special provision with reference to the administration of pensions under this Act payable in the case of persons entitled to such excluded pensions; and

(ii) where the amount of the service dependants pension is less than the amount of the pension, including additional allowances, if any, which would apart from this section have been payable under this Act, there shall be payable out of the pensions account to the service pension authority a sum equal to the difference between the said last-mentioned amount and the amount of the service dependants pension, and thereupon the service dependants pension shall be increased by that sum.

In calculating for the purposes of this subsection the amount of a service dependants pension—

(*a*) where the service dependants pension is payable to or in respect of a person being one of a married couple living together in the same house the husband and wife shall each be treated as in receipt of a pension of half the amount of such service dependants pension;

(*b*) where service dependants pensions are payable to or in respect of a widow and her children, the amount of the service dependants pension payable to the widow shall be treated as including the pensions payable in respect of her children.

(2) An orphan's pension shall not be payable in respect of a child in respect of whom an additional allowance is payable.

(3) Not more than one additional allowance, or one orphan's pension, shall be payable in respect of any one child.

(4) Not more than one old age pension, whether under this Act or the Old Age Pensions Acts, 1908 to 1924, shall be payable to any one person: 8 Edw. 7. c. 40.

Provided that the right to a pension under this Act shall not affect any right to, or to the continuance of, a pension payable under the Old Age Pensions Acts, 1908 to 1924, as applied to blind persons by the Blind Persons Act, 1920. 10 & 11 Geo. 5. c. 49.

(5) A woman entitled to a widow's pension shall not also be entitled to an old age pension.

25. Where the death of an insured person was caused, whether before or after the commencement of this Act, by an injury sustained on or after the first day Provisions where both additional

allowance or orphan's pension and compensation under the Workmen's Compensation Act are payable. 6 Edw. 7. c. 58.

of January, nineteen hundred and twenty-four, in respect of which compensation has been awarded or agreed under the Workmen's Compensation Act, 1906, as amended by any subsequent enactment, or under any scheme certified thereunder, an additional allowance or an orphan's pension in respect of the insurance of that person shall cease to be payable as from the date on which the Minister receives notice of the award or agreement, or such earlier date as may be prescribed, and for the purpose of notifying such awards and agreements the registrar of the county court shall in any case where compensation has been awarded or agreed as aforesaid in respect of an injury from which death resulted, send within the prescribed time to the Minister such particulars as may be prescribed of the memorandum recorded in the case with respect to the compensation:

Provided that, where the weekly value calculated in the prescribed manner of the sum awarded or agreed as aforesaid in respect of a child in respect of whom an additional allowance or orphan's pension would but for this section have been payable is less than the amount of that allowance or pension, a sum equal to the deficiency shall be payable as from the date aforesaid by way of additional allowance or orphan's pension, as the case may be.

Provisions where pension granted to person in receipt of outdoor relief.

26.—(1) In any case in which a poor law authority has granted outdoor relief to any person, being a person not in receipt of a pension, and either—

(*a*) such relief would not have been granted if the person had then been in receipt of a pension; or

(*b*) such relief is in excess of the amount which would have been granted to that person if he had been in receipt of a pension;

the Minister may, if a claim by that person for a pension in respect of any part of the period during which relief has been so granted is subsequently allowed, treat the pension so allowed as reduced for the purposes of this Act by an amount not exceeding such an amount as the authority certify to have been so paid or so paid in excess, as the case may be, in respect of the period for which the pension was allowed, and the Minister may pay to that authority the amount by which the pension is treated as having been reduced as aforesaid, so,

however, that the total amount to be so paid by the Minister shall not exceed the amount of the pension in respect of the period aforesaid.

(2) This section shall extend to the case of a child in respect of whom an additional allowance or orphan's pension is not being paid in like manner as to the case of a person not in receipt of a pension, and shall apply in such a case subject to the necessary modifications.

Power to modify existing superannuation schemes.

27.—(1) Where at the commencement of this Act any pension scheme has been established otherwise than by Act of Parliament (including a scheme established under powers conferred by Act of Parliament), whereby benefits are provided corresponding to any of the benefits secured by this Act, and the pension authority are desirous, in consequence of the passing of this Act, to modify the scheme as respects insured persons who may become entitled to corresponding benefits under or by virtue of this Act, but under the instrument regulating the scheme are unable to do so either absolutely or without undue delay or expense, the pension authority may submit to the Chief Registrar of Friendly Societies proposals for conferring on them the powers necessary for the purpose, and the Chief Registrar may confirm the proposals, subject to such conditions, if any, as he thinks fit to impose, and thereupon, subject to compliance with such conditions, if any, the pension authority may modify the scheme as respects such persons as aforesaid by reducing the amount of the benefits payable under the scheme and the contributions payable thereunder, and by making such other alterations in the scheme as may appear to them expedient in consequence of such reductions:

Provided that, where the pension authority is a local authority this subsection shall have effect as if for references to the Chief Registrar of Friendly Societies there were substituted references to the Minister.

(2) Where at the commencement of this Act any pension scheme has been established by Act of Parliament whereby benefits are provided corresponding to any of the benefits secured by this Act the pension authority may submit to the Chief Registrar of Friendly Societies an amending scheme for reducing, as respects insured persons who may become entitled to corresponding benefits under or by virtue of this Act, the benefits payable under the scheme, and the contributions payable

thereunder, and may make such other alterations in the scheme as appear to them expedient in consequence of such reductions; and the Chief Registrar, after giving persons affected by the proposed scheme or their representatives the opportunity of objecting, and after considering any such objection, may confirm the scheme; and on any such amending scheme being so confirmed the Act by which the scheme is established shall have effect subject to the provisions of the amending scheme:

Provided that, where the pension authority is a local authority this subsection shall have effect as if for references to the Chief Registrar of Friendly Societies there were substituted references to the Minister.

(3) Where by any public general Act in force at the commencement of this Act provision is made for the establishment of a general scheme of superannuation whereby persons in return for contributions payable thereunder become entitled to benefits corresponding to any of the benefits secured by this Act, any local authority or combination of local authorities which are at the commencement of this Act or have hereafter become or propose to become a pension authority to which the first-mentioned Act applies may submit to the Minister a scheme modifying the first-mentioned Act so far as it relates to insured persons who may become entitled to any of the benefits secured by this Act and who may also become entitled to receive from the pension authority corresponding benefits under the first-mentioned Act—

(*a*) by reducing the superannuation allowance payable under the first-mentioned Act to any such person by such amount as may be specified in the scheme, not exceeding the amount of the pension to which he and, if he is married, his wife may become entitled under or by virtue of this Act;

(*b*) by reducing the contributions payable under the first-mentioned Act by any such person by such amount as may be specified in the scheme;

and the scheme may make such financial adjustments (including any alteration in any annual charge payable by the pension authority which may have been fixed under the first-mentioned Act) as may be appropriate in the circumstances, and the Minister, after giving

persons affected by the proposed scheme or their representatives an opportunity of objecting, and, after considering any such objections, may confirm the scheme, and upon any such scheme being so confirmed the first-mentioned Act, in relation to the pension authority and such persons as aforesaid, shall have effect subject to the provisions of the scheme.

(4) No alteration in any particular scheme, or in any general scheme in its application to any particular pension authority shall be made by a scheme under this section which will prejudicially affect the solvency of the particular scheme, or of the general scheme in its application to that authority, or increase the liability of the person (if any) liable for the solvency thereof.

(5) The powers conferred on a pension authority by a scheme under this section may include power to pay on behalf of any person in receipt of a superannuation allowance from the pension authority any contribution under this Act or the Insurance Act payable by such person, and, if they think fit, to deduct the amount thereof from the superannuation allowance payable to him.

(6) This section shall not, nor shall any scheme thereunder, except in such cases and to such extent as may be prescribed affect the benefits of or contributions by any person employed in an employment which is an excepted employment within the meaning of section fifteen of this Act.

(7) For the purposes of this section the expression "local authority" means the council of any county or municipal or metropolitan borough or urban or rural district, and any board of guardians, and any other local authority within the meaning of the Local Loans Act, 1875, and the expression "pension authority" means any local authority or combination of local authorities or other body of persons administering a pension or superannuation scheme, and the expression "Act of Parliament" includes a Provisional Order confirmed by Act and an order having the effect of an Act. 38 & 39 Vict. c. 83.

Administrative Provisions, &c.

28.—(1) Subject to the provisions of this section, a pension shall, if a claim thereto is made before the expiration of one month after the date on which the claimant Date of commencement and

end of, and mode of paying pensions.

becomes entitled thereto, or, where the claimant becomes so entitled at the commencement of this Act or on the second day of July, nineteen hundred and twenty-six, or on the appointed day, before the expiration of two months after that date, commence to accrue on the date on which the claimant becomes so entitled, and if no claim is made before the expiration of the period aforesaid shall commence to accrue on the date on which the claim thereto is made:

Provided that, where it is shown in any such case as may be prescribed that failure to make a claim within the time above limited was due to circumstances over which the claimant had no control, the pension shall commence to accrue on the date on which the claimant became entitled thereto.

(2) A pension shall, subject to any directions of the Minister in special cases, be paid weekly in advance in such manner and subject to such conditions as to identification or otherwise as the Minister with the approval of the Treasury may direct.

(3) Where the date on which a pension would begin to accrue under this Act is a day in the week other than that prescribed as the day in the week on which the weekly payments on account of pensions of that class are to be made, the pension shall not begin to accrue until such prescribed day in the week occurring next after the first-mentioned date.

(4) Where the date on which a pension or additional allowance under this Act would cease to be payable is a day in the week other than that immediately preceding the day in the week so prescribed as aforesaid, the pension or allowance shall continue payable in respect of the days in the week up to but not including such prescribed day:

Provided that, where a pension would cease to be payable by reason of the person entitled thereto attaining the age of seventy, the pension shall, if the day in the week on which the person attains the age of seventy is not the day in the week on which payments on account of old age pensions under the Old Age Pensions Acts, 1908 to 1924, are payable, continue to be payable in respect of the days in the week up to, but not including, the day in the week on which such payments are payable.

(5) Where a widow's pension is by this Act limited to expire on the expiration of six months after the pension ceases to include any additional allowance as part thereof, nothing in this section shall be construed as affecting the duration of the pension, notwithstanding that by virtue of this section no payments on account of any additional allowance are payable, but in any such case the widow's pension shall, for the purpose aforesaid, be deemed to include an additional allowance as part thereof up to the day when but for the provisions of this section it would have included such additional allowance.

Claims and appeals.

29.—(1) Subject to the provisions of this Act and in accordance with any regulations made thereunder, all claims for or in respect of pensions shall be made to the Minister.

(2) If any person is dissatisfied by the award or decision of the Minister in respect of any pension, the question shall on application being made within the prescribed time be referred to one or more referees selected in accordance with regulations made by the National Health Insurance Joint Committee from a panel of referees to be appointed in accordance with regulations so made, and the decision of the referee or referees shall be final and conclusive:

Provided that nothing in this subsection shall be construed as requiring such a reference to be made as respects any matter as to which the decision of the Minister is by this Act made final and conclusive, or any matter which by this Act is a matter within the discretion of the Minister, or a matter which the Minister has power to determine under section eighty-nine of the Insurance Act as applied by this Act.

(3) The Minister may, on new facts being brought to his notice, revise any award or decision given by him under this Act, and the provisions of this Act as to references shall apply to such revised award or decision in the same manner as they apply as respects an original award or decision:

Provided that the Minister shall not so revise an award or decision if it has been referred to the referees, or if the time for making an application for such a reference has not expired, unless the person on whose application the reference was made, or who is entitled to apply for a reference, as the case may be, consents.

Regulations by Minister.

30.—(1) The Minister, in conjunction with the Treasury so far as relates to matters with respect to which the Treasury so direct, and in conjunction with the Postmaster-General so far as relates to the Post Office, may make regulations generally for carrying this Act into effect, and in particular—

(*a*) for prescribing the manner in which claims to pensions may be made, and for enabling pensions to be paid through the Post Office; and

(*b*) for prescribing the procedure to be followed on references under this Act, and for applying for the purposes of any such reference any of the provisions of the Arbitration Act, 1889, and for excluding the application of any of the other provisions of that Act; and

52 & 53 Vict. c. 49.

(*c*) for authorising in such cases as may be prescribed the payment of any sum by way of pension during any period not exceeding six weeks intervening between the making of any claim or the referring of any question and the final determination of the claim or question; and

(*d*) for providing for the apportionment as between the appropriate national health insurance fund and the pensions account of sums received on account of contributions; and

(*e*) for enabling, in such cases as may be prescribed, contributions in respect of employed persons which have not been paid on the due dates to be treated as having been so paid for the purpose of a widow's or an orphan's pension; and

(*f*) for enabling a person to be appointed to exercise on behalf of any claimant or person entitled to or in receipt of a pension who is, by reason of any mental or other incapacity, unable to act, any right to which that claimant or person may be entitled under this Act, and to authorise any person so appointed to receive on behalf and for the benefit of the claimant or person any pension; and

(*g*) for applying with the necessary modifications to deposit contributors the provisions of the National Health Insurance (Prolongation of Insurance) Act, 1921; and 11 & 12 Geo. 5. c. 66.

(*h*) for prescribing anything which under this Act is to be prescribed.

(2) Regulations under this Act may also be made providing that, subject to the prescribed conditions, section one of the National Health Insurance (Prolongation of Insurance) Act, 1921, shall apply, and shall be deemed always to have applied, in cases where condition (*b*) therein mentioned is not complied with, as if for that condition there were substituted the following condition, that is to say:

(*b*) that the approved society of which the insured person is a member is satisfied, or in the case of a dispute it is decided in manner provided by the Insurance Act, that during the prescribed period the insured person has, except when incapable of work by reason of some specific disease or some bodily or mental disablement, been available for but unable to obtain employment:

Provided that no person shall by virtue of any such regulation become entitled to any benefit under the Insurance Act in respect of any period before the commencement of this Act.

(3) Regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made and shall have effect as if enacted in this Act: Provided that, if an address is presented to His Majesty by either House within the next subsequent twenty-one days on which that House has sat next after the regulation is laid before it, praying that the regulation may be annulled, His Majesty may by Order in Council annul the regulation, but without prejudice to the validity of anything previously done thereunder.

Regulations by Registrar-General.

31.—(1) Regulations made by the Registrar-General under the Births and Deaths Registration Acts, 1836 to 1901, may provide for the furnishing by Superintendent Registrars, Registrars of Births and Deaths, and Registrars of Marriages, subject to the payment of the prescribed

fee, of such information for the purposes of this Act, including copies of or extracts from the registers under their charge, as may be prescribed.

(2) The power given to the Minister, or to the Registrar-General with the consent of the Minister, by section forty-four of the Births and Deaths Registration Act, 1874, by order to alter from time to time all or any of the forms contained in the Schedules to the Births and Deaths Registration Act, 1836, as amended by any subsequent enactment, in such manner as may appear best for carrying into effect the Births and Deaths Registration Act, 1836, or to prescribe new forms for that purpose, shall include a power to alter the said forms or to prescribe new forms in such manner as may appear to them best adapted for carrying into effect any of the purposes of this Act.

37 & 38 Vict. c. 88.
6 & 7 Will. 4. c. 86.

(3) The provisions of section one hundred and one of the Insurance Act (which enable certificates of births, deaths and marriages to be obtained for the purposes of that Act on payment of a reduced fee) shall apply for the purpose of enabling certificates of births, deaths and marriages to be obtained for the purposes of this Act on payment of a fee of one shilling in each case.

Co-ordinating power of National Health Insurance Joint Committee.

32. The National Health Insurance Joint Committee shall exercise and perform such powers and duties of the Minister and the Scottish Board of Health under this Act, either alone or jointly with either of them, as may be prescribed by regulations of the Joint Committee:

Provided that for the purpose of the exercise of any powers under this Act the Minister of Labour for Northern Ireland shall not, nor shall his deputy, act as a member of the Joint Committee unless reciprocal arrangements are made with Northern Ireland under this Act, and are for the time being in force.

Provisions as to reciprocal arrangements with other parts of His Majesty's Dominions.

33.—(1) If provision is made by legislative enactment in any part of His Majesty's Dominions outside Great Britain for the establishment therein of any scheme of health insurance and of pensions substantially corresponding to those provided by virtue of the Insurance Act and this Act, the National Health Insurance Joint Committee may, with the consent of the

Treasury, make reciprocal arrangements with the authority administering such scheme whereby periods of insurance, contributions paid, and residence, in one country shall, for the purpose of qualification for pensions in the other country, be treated as if they had been periods of insurance, contributions paid, and residence, in that other country, and whereby pensions payable by one country shall be payable to persons whilst resident in the other country.

(2) Provision may be made by regulations under this Act for directing that this Act shall, in relation to or in connection with any persons affected by any arrangements made under this section, apply, subject to such modifications and adaptations as may be prescribed, and may make provision for any necessary financial adjustments.

(3) For the purposes of this section the expression "country," means Great Britain on the one hand, and any part of His Majesty's Dominions outside Great Britain which has made such provision as aforesaid on the other hand.

Pensions under Act to be inalienable.

34.—(1) Every assignment of or charge on, and every agreement to assign or charge, a pension shall be void, and on the bankruptcy of the person entitled to such a pension the pension shall not pass to any trustee or other person acting on account of the creditors.

(2) Any sums received by any person by way of a pension shall not be included in calculating his means for the purpose of section five of the Debtors Act, 1869. 32 & 33 Vict. c. 62.

Penalty for false statements and repayment of sums overpaid.

35.—(1) Any person who, for the purpose of obtaining or continuing a pension, either for himself or for any other person, or for the purpose of obtaining or continuing a pension for himself or for any other person at a higher rate than that appropriate to the case, knowingly makes any false statement or false representation, and any person who knowingly obtains payment of, or continues to receive, a pension which he is disqualified from receiving, shall be liable on summary conviction to imprisonment for a term not exceeding three months.

(2) If it is found at any time that a person has been in receipt of a pension during any period during which

he was not entitled thereto, or has been in receipt of a pension at a higher rate than that appropriate to the case, then, unless it is shown to the satisfaction of the Minister that the sum was received by the pensioner in good faith and without knowledge that he was not entitled thereto, he, or, in the case of his death, his personal representative, shall be liable to repay to the Minister any sums paid to him in respect of the pension during the period aforesaid, or, as the case may be, a sum representing the difference between a pension at the rate actually paid and a pension at the rate appropriate to the case.

(3) Any sum due to the Minister under this section may, without prejudice to the recovery thereof as a debt due to the Crown, be recovered by the Minister summarily as a civil debt, and proceedings for the summary recovery as a civil debt of any such sum may, notwithstanding anything in any Act to the contrary, be brought at any time within twelve months from the time when the matter complained of arose, or, where the complaint is in respect of a consecutive series of payments on account of pension, within twelve months from the date on which the last payment on account of pension was received.

(4) Where a person is liable under this section to repay to the Minister any sum received by way of pension, that sum may be recovered without prejudice to any other remedy, by means of deductions from any pension to which that person may thereafter be entitled.

(5) The provisions of this section shall apply with the necessary modifications in the case of a person to whom a pension or additional allowance is paid under any of the provisions of this Act for or for the benefit of any person.

Power to remove difficulties.

36. If in any respect any difficulty arises in bringing into operation this Act, the Minister, with the consent of the Treasury, may by order do anything which appears to be necessary or expedient for bringing this Act into operation, and any such order may modify the provisions of this Act so far as may appear necessary or expedient for carrying the order into effect:

Provided that the powers conferred by this section shall not be exercised after the thirty-first day of December, nineteen hundred and twenty-six.

Amendments of Insurance Act, Unemployment Insurance Acts and Old Age Pensions Acts.

Termination of certain benefits and contributions of persons over sixty-five.

37.—(1) As from the appointed day the right to sickness and disablement benefit under the Insurance Act and to unemployment benefit under the Unemployment Insurance Acts, 1920 to 1924, shall cease if the person insured thereunder has then attained or on his attaining the age of sixty-five.

(2) As from the appointed day no contributions under the Insurance Act shall be payable by or in respect of a person who has attained the age of sixty-five.

Consequential amendments of Insurance Act.

38.—(1) The amendments set out in Part I. of the Fourth Schedule to this Act, being amendments consequential upon the provisions of this Act, shall have effect with respect to—

(*a*) the rates of contribution payable under the Insurance Act;

(*b*) the sums to be retained out of each weekly contribution by the Minister under the provisions of subsection (1) of section sixty-seven of the Insurance Act;

(*c*) the sums to be applied by the Minister out of the sums so retained towards discharging the liabilities of the Minister to approved societies in respect of reserve values.

(2) The amendments specified in the second column of Part II. and Part III. of the Fourth Schedule to this Act, which are consequential on other provisions contained in this Act, shall be made in the provisions of the Insurance Act which are specified in the first column of that Schedule:

Provided that of the amendments so specified, those contained in Part III. of the said Schedule shall not come into force until the appointed day.

(3) Regulations made under subsection (3) of section sixty-six of the Insurance Act (which relates to crediting, variation, and cancellation of reserve values) may provide for the reduction or cancellation of reserve values consequential upon the termination by reason of the provisions of this Act of contributions before the

age of seventy years, and the curtailment thereunder of the liabilities of approved societies, and for any matters which may appear necessary or expedient by reason of such reduction or cancellation:

Provided that such reduction or cancellation of reserve values shall not have effect for the purposes of section one hundred and twenty-two of the Insurance Act unless and until reciprocal arrangements with Northern Ireland are made under this Act.

(4) An employed contributor who had, on attaining the age of sixty in the case of a man, or fifty-five in the case of a woman, been continuously insured for a period of ten years or since the fifteenth day of July, nineteen hundred and twelve (whichever period is the shorter), shall be entitled within such time and subject to such conditions as may be prescribed to pay contributions in respect of any period of unemployment as if he were a voluntary contributor.

(5) Where an employer in England or Wales has failed or neglected to pay any contribution which, under the Insurance Act as amended by this Act, he is liable to pay in respect of any person, the amount which he has so failed or neglected to pay shall be a debt due from him to the Minister and may be recovered by the Minister summarily as a civil debt, if proceedings for the purpose are instituted within three years from the date when the contribution becomes due:

Provided that the powers hereby conferred on the Minister shall be deemed to be in supplement of and not in derogation of any powers conferred on the Minister or on insured persons by any other provisions of the Insurance Act.

(6) Any sum ordered to be paid to the Minister under the provisions of subsection (2) of section ninety-six or of subsection (2) of section ninety-seven of the Insurance Act by an employer in England or Wales who has been convicted of failing or neglecting to pay any contribution in respect of a person shall be recoverable as a penalty and not otherwise.

(7) The provisions of subsection (3) of section ninety-seven of the Insurance Act (which relate to proceedings by inspectors) shall extend to proceedings for the recovery of contributions summarily as a civil debt under this section.

(8) There shall be included among the returns which an approved society may be required to make under subsection (1) of section seventy-two of the Insurance Act such particulars with respect to the insurance of any person who is or was a member of the society as the Minister may require for the purposes of this Act, and the provisions of the said section shall apply accordingly, and there shall be paid to a society returning such particulars such sums as may, subject to the consent of the Treasury, be prescribed, and the sums so paid shall be treated as part of the administrative expenses of this Act.

(9) Any certificate of exemption granted under the National Health Insurance Act, 1919, shall, as from the commencement of this Act cease to have effect, and the words " and any certificate of exemption granted " under the National Health Insurance Act, 1919, may " be renewed as if that Act had not been repealed " in proviso (*a*) to section one hundred and thirty-three of the Insurance Act are hereby repealed. 9 & 10 Geo. 5. c. 36.

Consequential amendments of Unemployment Insurance Acts.

39.—(1) As from the appointed day contributions shall be payable in respect of every person who is an employed person within the meaning of the Unemployment Insurance Acts, 1920 to 1924, who is of the age of sixty-five or upwards, in the manner and at the rates applicable to exempt persons within the meaning of those Acts, and, subject to such modifications and adaptations as may be prescribed by the Minister of Labour after consultation with the Minister of Health, such contributions shall be paid as if they were contributions under the said Acts, and all statutory provisions relating to the payment and collection of contributions under the said Acts, including provisions with respect to offences and civil proceedings in relation to contributions, with respect to priority of claims for contributions, and with respect to the powers of inspectors, shall have effect accordingly.

Save as aforesaid, no contributions under the said Acts shall, after the appointed day, be payable in respect of persons who have attained the age of sixty-five.

(2) All sums collected on account of contributions under the preceding subsection shall be paid into the Unemployment Fund established under the said Acts.

(3) In the case of persons to whom a special scheme made or approved under the Unemployment Insurance Acts, 1920 to 1924, applies, the provisions of this Act relating to unemployment insurance shall have effect subject to the following modifications, that is to say, references to liability to be insured and contributions under the said Acts, to unemployment benefit, and to the unemployment fund shall be respectively construed as references to liability to be insured, and to contributions and benefit, under the special scheme, and to the fund constituted thereunder.

Amendment of Old Age Pensions Acts in relation to persons in receipt of pensions.

40. Any person who is at the date on which he or she attains the age of seventy entitled to an old age pension or a widow's pension under this Act, or would have been so entitled but for the provisions of this Act relating to service dependants pensions, shall be entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, at the rate of ten shillings a week, notwithstanding that any of the statutory conditions as to means, residence or nationality is not satisfied in the case of that person, and notwithstanding that the yearly means of that person exceed the amount entitling him or her to a pension at that rate.

General.

Local authorities.

41.—(1) The local authority for the purposes of this Act shall be, in the case of a county borough, the borough council, and elsewhere, the county council:

Provided that, where the council of any non-county borough or urban district is both a local education authority and an authority for the purposes of the Maternity and Child Welfare Act, 1918, that council shall, as respects that borough or urban district, be the local authority for the purposes of this Act to the exclusion of the county council.

8 & 9 Geo. 5. c. 29.

(2) A county council may for the purposes of this Act make arrangements with any sanitary authority whose area is wholly or partly situate within the county for the execution and performance by that sanitary authority of any of the powers and duties of the county council under this Act.

(3) A local authority for the purpose of this Act, or a sanitary authority with which a county council have made arrangements under the last preceding subsection, may, if the authority is a local education authority or an authority for the purposes of the Maternity and Child Welfare Act, 1918, delegate their powers and duties under this Act to the education committee or to the maternity and child welfare committee of the authority, or if the authority is both a local education authority and an authority for the purposes of the Maternity and Child Welfare Act, 1918, partly to one such committee and partly to the other, as they think fit; and such delegation may be made subject to such restrictions and conditions, if any, as the authority think fit.

(4) Any expenses incurred by a local education committee or a maternity and child welfare committee in the execution and performance of any powers and duties so delegated shall be defrayed as expenses incurred in aid of elementary education or under the Maternity and Child Welfare Act, 1918, as the case may be, and any expenses incurred by a local authority for the purposes of this Act in the execution and performance of their powers and duties which have not been delegated to a local education committee or a maternity and child welfare committee, and any similar expenses of a sanitary authority, so far as they are not met by payments by the county council, shall be defrayed as follows:—

(*a*) in the case of a county council, as expenses for general county purposes, or, if the Minister by order so directs, as expenses for special county purposes charged on such part of the county as may be provided by the order;

(*b*) in the case of the common council of the City of London, out of the general rate;

(*c*) in the case of a metropolitan borough council, as part of the general expenses of the council;

(*d*) in the case of a borough or district council, as part of the general expenses of the council in the execution of the Public Health Acts.

(5) For the purposes of this Act the Minister may refer to the local authority for investigation and report to him any matter relating to a widow or child to or

in respect of whom a widow's or orphan's pension or additional allowance is payable.

Provisions as to posthumous children.

42.—(1) In the event of a posthumous child being born any additional allowance or orphan's pension which would have been payable in respect of the child had he been living at the date of his father's death shall be payable in respect of the child as from the date of birth.

(2) Where under any of the provisions of this Act the right of a woman to a widow's pension depends on there being at least one child living at the date of the death of her husband or of the commencement of this Act, then, in the event of a posthumous child being born, or being born after the commencement of this Act, as the case may be, the child shall for the purpose of determining her right to a pension be treated as if it had been born immediately before the date of the death of the father or of the commencement of this Act as the case may be.

Decennial reports and revision of contributions.

43.—(1) The Government Actuary shall in the year nineteen hundred and thirty-five, and in every succeeding tenth year, make a report to the Treasury on the general financial operation of this Act, the amount of contributions from the Exchequer which will be required to preserve the solvency of the treasury pensions account, and the value of the benefits conferred by this Act; and every such report shall be laid before Parliament:

Provided that nothing in this provision shall be construed as preventing the Treasury from requiring additional reports to be so made at such times during the currency of any decennial period as they think fit.

(2) Unless Parliament otherwise determines, during the decennial period commencing the first day of January, nineteen hundred and thirty-six, the ordinary rates of contribution shall be increased in the case of men by twopence a week (of which in the case of employed persons one penny shall be payable by the employer and one penny by the employed person), and in the case of women by one penny a week (of which in the case of employed persons one halfpenny shall be payable by the employer and one halfpenny by the employed person), and similar additional increases shall be made in the contributions at the beginning of the decennial periods

commencing the first day of January, nineteen hundred and forty-six, and nineteen hundred and fifty-six.

(3) The rates of contribution under Part II. of the First Schedule to this Act shall at the beginning of each such decennial period be increased in the case of men by one penny and in the case of women by one halfpenny a week (the whole of which shall be payable by the employer), but the rates of contribution under Part III. and Part IV. of the said schedule shall not be liable to be increased.

Interpretation.

44.—(1) In this Act, unless the context otherwise requires—

"The appointed day" means the second day of January, nineteen hundred and twenty-eight;

"The Minister" means the Minister of Health;

"Child" includes a stepchild, and, in relation to a man, an illegitimate child, whether his or his wife's, who was living with him at the time of his death and, in relation to a woman, includes her illegitimate child who was living with her at the time of her death;

"Orphan" means a child both of whose parents are dead;

"Pension" means a pension under this Act and a pension under the Old Age Pensions Acts, 1908 to 1924, which is payable by virtue of this Act;

"Service dependants pension" means any pension or allowance payable out of moneys provided by Parliament at weekly or other periodical intervals to a person—

(*a*) in respect of the death of some other person attributable to or connected with the service of that other person in the naval, military or air forces; or

(*b*) in respect of the death of some other person attributable to or connected with the service of that other person during the late war;

and "service pension authority" means the authority or department by whom the service dependants pension is administered;

"Provisions of this Act" includes any regulations made under this Act;

"Contribution year" means such period corresponding as nearly as may be to twelve months as may be prescribed;

"Contributions," except where the expression is used in relation to contributions under the Unemployment Insurance Acts, 1920 to 1924, means contributions under this Act or the Insurance Act, or any Act repealed by the Insurance Act.

Expressions in this Act have the same meaning as in the Insurance Act.

(2) Where a person attains a particular age on the date of the commencement of this Act or on the appointed day or on the second day of July, nineteen hundred and twenty-six, that person shall for the purposes of this Act be deemed to have attained such age after those dates respectively.

(3) When the widow of a man has remarried she shall not for the purposes of this Act be regarded as the widow of her former husband and accordingly (subject to the provisions of this Act as to the continuance of additional allowances) shall not be entitled to any pension under this Act in respect of the insurance of her former husband.

(4) Where a child born before the marriage of his parents has been legitimated by virtue of the subsequent marriage of his parents the child shall, for the purposes of this Act, be deemed to be a child born of the marriage.

(5) For the purposes of this Act, any period during which a person served in the naval, military, or air forces of the Crown during the late war shall, if he was entitled to be insured whilst so serving, be deemed to be a period during which he was insured, and contributions shall be deemed to have been paid in respect of him for every week during that period.

(6) A person who would be entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, by virtue of this Act, shall, for the purposes of this Act, be deemed to be entitled thereto by virtue of this Act notwithstanding that that person would be entitled to

an old age pension under those Acts independently of this Act.

(7) The weeks during which any person whilst resident in Northern Ireland has been insured under the Insurance Act and the contributions paid into the Northern Ireland National Health Insurance Fund by or in respect of any person shall, for the purpose of determining whether any statutory condition under this Act is fulfilled in the case of such a person, be treated as weeks of insurance and contributions paid by or in respect of him.

(8) This Act, so far as it amends the Insurance Act, shall be read with, and be deemed to be part of, the Insurance Act, and so far as it amends the Unemployment Insurance Acts, 1920 to 1924, shall be read with and be deemed to be part of those Acts.

45. In the application of this Act to Scotland— Application to Scotland.

(1) References to the Minister of Health shall be construed as references to the Scottish Board of Health, except in section twenty-seven, in which section references to the Minister shall be construed as references to the Secretary for Scotland, references in the said section twenty-seven to a local authority shall be construed as references to a local authority within the meaning of the Local Authorities Loans (Scotland) Acts, 1891 to 1924; and the reference to the registrar of the county court shall be construed as a reference to the sheriff clerk:

(2) A separate account, to be called the pensions (Scotland) account, shall be opened, and all the provisions of this Act relating to the pensions account (including the provisions as to the making of payments thereto from the treasury pensions account) shall apply to the pensions (Scotland) account:

(3) The local authority for the purposes of this Act shall be the local authority under the Public Health (Scotland) Act, 1897, and save as otherwise hereinafter provided the expenses of the local authority under this Act shall be defrayed out of the public health 60 & 61 Vict. c. 38.

general assessment; so, however, that such expenses shall not be reckoned in any calculation as to the statutory limit of that assessment.

A local authority may make arrangements for the execution and performance of any of their powers and duties under this Act either by a committee of the local authority or by a joint committee of the local authority and any other local authorities or otherwise as the local authority may determine, and any such committee or joint committee may consist partly of persons who are not members of the local authority or of any of the local authorities acting in combination, as the case may be:

Provided that, where any of the powers and duties of the local authority are executed and performed by the committee, or joint committee, administering the scheme of maternity and child welfare under the Notification of Births (Extension) Act, 1915, in operation within the district of the local authority, any expenses incurred by that committee, or joint committee, shall be defrayed as expenses incurred under that scheme.

5 & 6 Geo. 5. c. 64.

(4) The following subsections shall be substituted for subsections (1) and (2) of section thirty-one of this Act—

(*a*) Regulations may be made by the Registrar General with the approval of the Scottish Board of Health requiring every person giving information to a registrar of births, deaths, and marriages of a birth, death, or marriage to furnish in writing, to the best of his knowledge and belief, such information for the purposes of this Act as may be prescribed, and any person refusing so to furnish such information or knowingly making any false statement or representation with reference to such information shall be liable on summary conviction to imprisonment for a term not

exceeding three months. The provisions of section six of the Registration of Births, Deaths, and Marriages (Scotland) Act, 1854, with respect to regulations thereunder being laid before Parliament shall apply to regulations made under this subsection. 17 & 18 Vict. c. 80.

(*b*) Regulations made by the Scottish Board of Health or by the Registrar General with the approbation of the said Board under section six of the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, may provide for the furnishing by registrars of births, deaths and marriages, subject to the payment of the prescribed fee, of such information for the purposes of this Act, as may be prescribed;

(5) Nothing in subsection (3) of section thirty-five of this Act shall be deemed to limit the period within which proceedings for the summary recovery as a civil debt of any sum may be brought:

(6) Subsections (5), (6) and (7) of section thirty-eight of this Act shall not apply.

Short title, extent and commencement.

46.—(1) This Act may be cited as the Widows' Orphans' and Old Age Contributory Pensions Act, 1925.

(2) This Act shall, save as respects the provisions thereof which are expressed to take effect as from the appointed day, or as from the second day of July, nineteen hundred and twenty-six, come into force on the fourth day of January, nineteen hundred and twenty-six, and that date is in this Act referred to as the commencement of this Act.

(3) This Act shall not extend to Northern Ireland.

SCHEDULES.

Sections 9, 15 and 43.

FIRST SCHEDULE.

RATES OF CONTRIBUTIONS.

PART I.

ORDINARY RATES OF CONTRIBUTIONS.

—	Rate of contribution per week.	Payable in case of employed persons.	
		By the employer.	By the employed person.
Contributions in case of men -	9*d.*	4½*d.*	4½*d.*
Contributions in case of women	4½*d.*	2½*d.*	2*d.*

PART II.

RATES OF CONTRIBUTIONS PAYABLE IN RESPECT OF PERSONS EMPLOYED WITHIN THE MEANING OF THE INSURANCE ACT WHO HAVE ATTAINED THE AGE OF SIXTY-FIVE.

Contributions in case of men -	9*d.*	9*d.*	—
Contributions in case of women	7*d.*	7*d.*	—

PART III.

RATES OF CONTRIBUTIONS IN RESPECT OF EXEMPT PERSONS.

Contributions in case of men -	7*d.*	4½*d.*	2½*d.*
Contributions in case of women	2½*d.*	2½*d.*	—

PART IV. 1ST SCH. —*cont.*

RATES OF CONTRIBUTIONS IN RESPECT OF PERSONS EMPLOYED IN ANY EMPLOYMENT WHICH IS AN EXCEPTED EMPLOYMENT TO WHICH PARAGRAPH (IV) OF SUBSECTION (1) OF SECTION NINE OF THIS ACT APPLIES, AND WHO ARE INSURED FOR ALL PENSIONS EXCEPT OLD AGE PENSIONS.

—	Rate of contribution per week.	Payable by the employer.	Payable by the employed person.
Contributions in case of men -	7*d.*	3½*d.*	3½*d.*
Contributions in case of women	3½*d.*	2*d.*	1½*d.*

SECOND SCHEDULE.

Section 15.

APPLICATION OF SECTION 15 (7) TO A PERSON WHOSE REMUNERATION EXCEEDED TWO HUNDRED AND FIFTY POUNDS A YEAR.

Where a person who has been employed in an employment which would have been an excepted employment within the meaning of section fifteen of this Act had the rate of his remuneration not exceeded two hundred and fifty pounds a year has on retirement from such employment, whether before or after the commencement of this Act, been granted a superannuation allowance, then—

(i) Paragraph (*a*) of subsection (7) of the said section shall apply to him if, had the rate of his remuneration not exceeded the amount aforesaid, no contributions under this Act would, or would had he continued in the employment after the commencement of this Act, have been payable in respect of him;

(ii) Paragraph (*b*) of the said subsection shall apply to him if, had the rate of his remuneration not exceeded the amount aforesaid, contributions at the rates mentioned in Part IV. of the First Schedule to this Act would, or would had he continued in the employment after the commencement of this Act, have been payable in respect of him:

2ND SCH. —*cont.*

Provided that, where a person to whom paragraph (*a*) of the said subsection would by virtue of the foregoing provisions of this schedule apply is a person who at the commencement of this Act was an insured or exempt person, he shall be treated as if he were a person to whom paragraph (*a*) of the said subsection did not, but paragraph (*b*) thereof did, apply.

Section 21.

THIRD SCHEDULE.

DISQUALIFICATIONS FOR RECEIPT OF PENSION.

1. A person shall be disqualified for receiving or continuing to receive a pension, notwithstanding the fulfilment of the statutory conditions—

(*a*) while he is an inmate of any workhouse or other poor-law institution:

Provided that a person who has become an inmate of any workhouse or other poor-law institution for the purpose of obtaining medical or surgical treatment shall not, during a period of three months from the date on which he becomes such an inmate if he so long continues to require such treatment, be disqualified on the ground only that he is such an inmate for receiving or continuing to receive a pension;

(*b*) while he is detained in any asylum within the meaning of the Lunacy Acts, 1890 to 1922, or in Scotland the Lunacy (Scotland) Acts 1857 to 1919, or while he is being maintained in any place as a pauper or criminal lunatic.

2. Where a person has been before the passing of this Act, or is after the passing of this Act, convicted of any offence, and ordered to be imprisoned without the option of a fine or to suffer any greater punishment, he shall be disqualified for receiving or continuing to receive a pension while he is detained in prison in consequence of the order.

FOURTH SCHEDULE.

Section 38.

PART I.

AMENDMENTS OF INSURANCE ACT AS TO RATES OF CONTRIBUTIONS, &C.

1. The following Table shall be substituted for the Table in Part I. of the Second Schedule to the Insurance Act, except for the purposes of subsection (2) of section one hundred and twenty-one of that Act.

RATES OF CONTRIBUTIONS IN RESPECT OF EMPLOYED CONTRIBUTORS.

In the case of men	9*d.* a week.
In the case of women	8½*d.* a week.

CONTRIBUTIONS OF EMPLOYERS AND EMPLOYED CONTRIBUTORS.

In Ordinary Cases.

To be paid by the employer		4½*d.* a week.
To be paid by the contributor	men	4½*d.* a week.
	women	4*d.* a week.

In the case of Low-Wage Earners.

In the case of employed contributors of either sex, of the age of eighteen or upwards, whose remuneration does not include the provision of board and lodging by their employer, and the rate of whose remuneration does not exceed 4*s.* a working day, the following shall be the rates of contribution :—

(1) Where the rate of remuneration does not exceed 3*s.* a working day :—

To be paid by the employer	for men	9*d.* a week.
	for women	8½*d.* a week.

(2) Where the rate of remuneration exceeds 3*s.* but does not exceed 4*s.* a working day :—

To be paid by the employer		5½*d.* a week.
To be paid by the contributor	men	3½*d.* a week.
	women	3*d.* a week.

4TH SCH. —*cont.*

2. The sum of fourpence halfpenny shall be substituted for the sum of fivepence as the weekly contribution payable by an employer in respect of an exempt person, and subsection (1) of section six of the Insurance Act shall have effect accordingly.

3. The sum of threepence halfpenny shall be substituted for the sum of fourpence halfpenny which, under the provisions of subsection (1) of section fifty-seven of the Insurance Act, is to be paid to the Minister by the Admiralty, Army Council and Air Council, respectively, in respect of each contribution week or part of a contribution week for which every seaman, marine, soldier or airman, being a member of an approved society receives pay.

4. The sums to be retained by the Minister under subsection (1) of section sixty-seven of the Insurance Act out of each weekly contribution paid under that Act shall be, in the case of a man, one penny and five-ninths of a penny, and, in the case of a woman, one penny and three-tenths of a penny, and that subsection shall be read and have effect accordingly.

5. The sums to be applied by the Minister under paragraph (*a*) of subsection (1) of section sixty-seven of the Insurance Act towards discharging the liabilities of the Minister to approved societies in respect of reserve values, shall be, in the case of a man, one penny, and in the case of a woman, nine-tenths of a penny, and that paragraph shall be read and have effect accordingly.

6. Eightpence shall be substituted for ninepence and fourpence halfpenny for fivepence in section one hundred and three of the Insurance Act.

PART II.

CONSEQUENTIAL AMENDMENTS OF INSURANCE ACT COMING INTO OPERATION ON COMMENCEMENT OF THIS ACT.

Enactment to be amended.	Amendment.
Section 97 (2)	For the words "the year preceding the date when the information for the offence was laid" there shall be substituted the words "the two years preceding the date of the offence."

4TH SCH. *-cont.*

PART III.

CONSEQUENTIAL AMENDMENTS OF INSURANCE ACT COMING INTO OPERATION ON THE APPOINTED DAY.

Enactment to be amended.	Amendment.
Section 3 (3) -	" Sixty-five years " shall be substituted for " seventy years."
Section 7 (3) -	" Sixty-five years " shall be substituted for " seventy years."
Section 12 -	Subsection (2) shall be repealed.
Section 13 (8)	" Sixty-five years " shall be substituted for " seventy years."
Section 69 (3)	" Sixty-five years " shall be substituted for " seventy years."

CHAPTER 71.

An Act to amend the Public Health Acts, 1875 to 1907, and the Baths and Washhouses Acts, 1846 to 1899, in respect of matters for which provision is commonly made in local Acts and for other purposes relating to the public health.

[7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title, construction and commencement.

1.—(1) This Act may be cited as the Public Health Act, 1925.

(2) Parts I. to VIII. of this Act and the Public Health Acts, 1875 to 1907, may be cited together as the Public Health Acts, 1875 to 1925, and the Baths and Washhouses Acts, 1846 to 1899, and Part IX. of this Act may be cited together as the Baths and Washhouses Acts, 1846 to 1925.

(3) Parts I. to VIII. of this Act shall be construed as one with the Public Health Acts, 1875 to 1907, and

Part IX. of this Act shall be construed as one with the Baths and Washhouses Acts, 1846 to 1899.

(4) The expression "the commencement of this section," when used in any provision in Parts II. to V. of this Act, means the date on which that section comes into operation within the district of the local authority by virtue of an adoption of that provision, or of an order of the Minister of Health.

(5) This Act shall come into operation on the expiration of one month after the passing thereof.

Extent of Act.

2.—(1) This Act shall not apply to Scotland or Northern Ireland, or, save as expressly provided in this Act, to the administrative county of London.

(2) Parts II., III., IV. and V. of this Act are adoptive, and shall extend, in so far as they may be adopted, to any district for which they are adopted in accordance with the provisions of this Act:

Provided that, where powers are conferred on a county council by any section in Part II. of this Act those powers may be exercised by the council without an adoption by them of the provisions of that section.

(3) Part VI. of this Act shall extend to any area in which Part VI. of the Public Health Acts Amendment Act, 1907, is in force at the commencement of this Act, and may be applied to any district by an order of the Minister of Health in the same manner as Part VI. of the said Act of 1907 may be applied.

7 Edw. 7. c. 53.

(4) Part IX. of this Act shall extend to England and Wales inclusive of the administrative county of London.

Adoption by urban authorities of Parts II. to V.

3. Any urban authority may adopt all or any of the sections contained in Parts II., III., IV. and V. of this Act:

Provided that, where the district contains, according to the last published census for the time being, a population of less than twenty thousand, the adoption by the council of that district of

(*a*) those provisions in Parts II. and III. of this Act which are mentioned in the First Schedule to this Act ; or

(*b*) any provision in Part V. of this Act ;

shall not take effect until the consent of the Minister of Health has been obtained thereto, and such consent

may be given by an order of the Minister and subject to such modifications, conditions or restrictions as may appear to him to be necessary or desirable.

Application of Parts II. to V. in rural districts.

4.—(1) A rural district council may adopt all or any of the provisions of Parts II., III. and IV. of this Act, except the sections in Parts II. and III. of this Act which are mentioned in the Second Schedule to this Act.

(2) The Minister of Health may by order apply to any rural district, or contributory place therein, any provision in Parts II. to V. or Part VIII. of this Act, in the same manner as provisions of the Public Health Act, 1875, which apply to urban districts, may be applied to rural districts, or contributory places therein, and section two hundred and seventy-six of that Act shall be extended accordingly.

38 & 39 Vict. c. 55.

(3) Before any application is made to the Minister of Health for an order under this section, notice of the intended application, specifying the provisions of this Act in respect of which an order is desired, shall be inserted by the applicants for the order once at least in one or more of the newspapers circulating within the area to which the application relates in each of two successive weeks.

Mode of adoption by local authorities.

5.—(1) The adoption by a local authority of all or any of the provisions of Parts II. to V. of this Act shall be by a resolution of the local authority passed in accordance with the provisions contained in the Third Schedule to this Act, and upon a resolution of adoption coming into operation the provisions of this Act to which it extends shall apply to the district of the local authority.

(2) A copy of a resolution passed by a local authority adopting any provision of this Act, certified as a true copy under the hand of the clerk to the local authority, shall be received as evidence in all legal proceedings of the resolution having been passed by the local authority.

Amendment or adaptation of local Acts, &c.

6. The Minister of Health may, by order made on the application of any local authority, make such amendments or adaptations of any local Act as may appear to him to be necessary for the purpose of bringing the provisions of that Act into conformity with the provisions of this Act, and any order so made shall operate as if enacted in this Act.

Application of certain provisions of Part I. of 7 Edw. VII. c. 53, and interpretation.

7.—(1) The provisions of Part I. of the Public Health Acts Amendment Act, 1907, which are specified in the Fourth Schedule to this Act, shall, as amended by any subsequent enactment, apply for the purposes of this Act, with the substitution of references to this Act for the references therein to that Act.

(2) In this Act the expression "local Act" includes an Act for the confirmation of a provisional order and the order thereby confirmed.

(3) In this Act the expression "statutory undertakers" means any person authorised by Parliament to construct, work, or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking.

Appeals to petty sessional court.

8. Where any enactment in this Act provides for an appeal to a petty sessional court against a notice, determination, requirement, order or intended order of a local authority under this Act—

(1) Notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the clerk to the local authority;

(2) The court may make such order in the matter as they consider reasonable, and may award costs to be recoverable as a civil debt;

(3) No proceeding shall be taken by the local authority, or work executed, until after the determination or abandonment of the appeal;

(4) Notice of the right of appeal shall be endorsed on the order of the local authority and on any notice communicating their determination, requirement or intended order.

Repeals.

9.—(1) As from the date on which a scale of charges is authorised by a local authority in accordance with the provisions of Part IX. of this Act, the enactments set out in Part I. of the Fifth Schedule to this Act shall cease to have effect so far as relates to the area of that authority to the extent mentioned in the third column of that Part of that Schedule.

(2) The enactments set out in Part II. of the Fifth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Part of that Schedule.

Crown rights.

10. Without prejudice to the generality of the provisions of section twelve of the Public Health Acts

Amendment Act, 1907, nothing in this Act shall affect any privilege of the Postmaster-General under the Telegraph Act, 1869, or any works or apparatus belonging to him, or any power conferred on the Minister of Transport by the London Traffic Act, 1924. 32 & 33 Vict. c. 73. 14 & 15 Geo. 5. c. 34.

11. Nothing in this Act shall prejudice or affect the powers of any railway company or the owners, trustees, or conservators, acting under powers conferred by Parliament, of any canal, inland navigation, dock, or harbour, under any enactment to culvert or cover in any stream or watercourse, or shall extend to any culvert or covering of a stream or watercourse constructed by a railway company or by any such body of persons, and used for the purposes of the railway, canal, inland navigation, dock, or harbour, unless the consent of such company or persons is obtained by the local authority. Saving for culverts, &c. of railway companies, &c.

12. The powers conferred by Part V. of this Act shall not, without the written consent of the London County Council, be exercised with respect to any stream, watercourse, ditch, or culvert which, by the Metropolis Management Act, 1855, is vested in that Council as a sewer. Saving for streams, &c. vested in London County Council. 18 & 19 Vict. c. 120.

PART II.

STREETS AND BUILDINGS.

Street Bins, Drinking Fountains, Fire Alarms, &c.

13.—(1) The local authority may provide and maintain in or under any street, orderly bins or other receptacles, of such dimensions and in such position as the local authority may from time to time determine, for the collection and temporary deposit of street refuse and waste paper, or the storage of sand, cinders, grit or shingle. Street bins.

(2) Nothing in this section shall be taken as empowering the local authority to hinder the reasonable use of the street by the public or any person entitled to use the same, or as empowering the local authority to exercise their powers under this section in such a way as to create a nuisance to any adjacent owner or occupier.

14. The local authority and any person with their consent and subject to such conditions as they may impose may, in proper and convenient situations in any street or public place, erect and maintain seats and Public drinking fountains, seats, &c. in streets.

drinking fountains for the use of the public and troughs for watering horses or cattle.

Fire alarms.

15.—(1) The local authority may erect or fix and maintain fire alarms, in such positions in any street or public place as they think proper, after consultation with the police authority for the police district in which the fire alarms are to be erected or fixed.

(2) In this section the expression "police district" means any district for which there is a separate police force.

Main roads and premises of statutory undertakers.

16.—(1) The powers conferred on the local authority by the foregoing sections of this Part of this Act shall not be exercised in relation to any street which is a main road maintained by a county council, without the consent of the county council or so as to obstruct or render less convenient the access to or exit from any station or goods yard belonging to a railway company, or any premises belonging to other statutory undertakers and used for the purposes of their undertaking, nor shall the local authority place any street bin on any bridge carrying any street or road over a railway or under any bridge carrying a railway over any street or within ten feet of the abutments of any such bridge without the consent of the proprietors of such railway.

(2) This section shall extend to any area in which any of the foregoing sections in this Part of this Act may be in force.

Naming of Streets.

Notice to urban authority before street is named.

17.—(1) Before any street is given a name, notice of the proposed name shall be sent to the urban authority by the person proposing to name the street.

(2) The urban authority, within one month after the receipt of such notice, may, by notice in writing served on the person by whom notice of the proposed name of the street was sent, object to the proposed name.

(3) It shall not be lawful to set up in any street an inscription of the name thereof—

(*a*) until the expiration of one month after notice of the proposed name has been sent to the urban authority under this section; and

(*b*) where the urban authority have objected to the proposed name, unless and until such objection has been withdrawn by the urban authority or overruled on appeal;

and any person acting in contravention of this provision shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) Where the urban authority serve a notice of objection under this section, the person proposing to name the street may, within twenty-one days after the service of the notice, appeal against the objection to a petty sessional court.

Alteration of name of street.

18.—(1) The urban authority by order may alter the name of any street, or part of a street, or may assign a name to any street, or part of a street, to which a name has not been given.

(2) Not less than one month before making an order under this section, the urban authority shall cause notice of the intended order to be posted at each end of the street, or part of the street, or in some conspicuous position in the street or part affected.

(3) Every such notice shall contain a statement that the intended order may be made by the urban authority on or at any time after the day named in the notice, and that an appeal will lie under this Act to a petty sessional court against the intended order at the instance of any person aggrieved.

(4) Any person aggrieved by the intended order of the local authority may, within twenty-one days after the posting of the notice, appeal to a petty sessional court.

(5) Upon the commencement of this section, section twenty-one of the Public Health Acts Amendment Act, 1907, shall cease to have effect, as respects any area in which this section is in force.

Indication of name of street.

19.—(1) The urban authority shall cause the name of every street to be painted, or otherwise marked, in a conspicuous position on any house, building or erection in or near the street, and shall from time to time alter or renew such inscription of the name of any street, if and when the name of the street is altered or the inscription becomes illegible.

(2) If any person destroys, pulls down or defaces any inscription of the name of a street which has lawfully been set up, or sets up in any street any name different from the name lawfully given to the street, or places or affixes any notice or advertisement within twelve

inches of any name of a street marked on a house, building, or erection in pursuance of this section, he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Upon the commencement of this section, so much of section one hundred and sixty of the Public Health Act, 1875, as incorporates with that Act the provisions of the Towns Improvement Clauses Act, 1847, with respect to naming the streets, shall cease to have effect within any area in which this section is in force.

10 & 11 Vict. c. 34.

Surface Drainage of Courts, Streets, &c.

Courts, &c. to be paved and drained.

20.—(1) Section twenty-five of the Public Health Acts Amendment Act, 1907 (which provides for the execution of works for the effectual drainage of the subsoil or surface of a yard, in connection with and exclusively belonging to a dwelling-house) shall extend to any court, yard or passage (not being a highway repairable by the inhabitants at large) which is used in common by the occupiers of two or more dwelling-houses, whether such dwelling-houses belong to the same or different owners.

(2) Where under the said section, as extended by this section, the local authority have executed works on the default of the owners of dwelling-houses and the dwelling-houses belong to different owners, the expenses incurred by the local authority in the execution of the works shall be apportioned between the owners in such shares as may be determined by the surveyor, or (in case of dispute) by a court of summary jurisdiction, and in default of payment any share so apportioned may be recovered summarily as a civil debt from the owner on whom it is apportioned.

(3) Upon the commencement of this section, any byelaws made by the local authority under section twenty-three of the Public Health Acts Amendment Act, 1890, with respect to the paving of yards and open spaces in connection with dwelling-houses, shall cease to have effect in any area in which this section comes into force.

53 & 54 Vict. c. 59.

Prevention of water flowing on footpath.

21.—(1) The owner of any premises abutting on a street within an urban district shall, within twenty-eight days after the service of a notice in writing by the urban authority requiring him so to do, execute and thereafter maintain such down-pipes, channels or gutters as may

be necessary to prevent, so far as is reasonably practicable, surface water from the premises flowing on to, or over, the footpath of the street, and if he fails to do so he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) The provisions of this section shall be in addition to and not in derogation of the provisions of section seventy-four of the Towns Improvement Clauses Act, 1847.

For preventing soil, &c. from being washed into streets.

22.—(1) The urban authority may give notice to the owner or occupier of any lands abutting upon any street within their district which is repairable by the inhabitants at large, requiring him, within twenty-eight days after the service of the notice, so to fence off, channel or embank the lands as to prevent soil or refuse from such lands from falling upon, or being washed or carried into the street, or into any sewer or gully therein, in such quantities as will obstruct the highway or choke up such sewer or gully.

(2) Any person to whom a notice under this section is addressed who shall fail, within twenty-eight days after the service of the notice, to execute the works therein specified shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Obstructions, &c. to Persons using Streets.

Lopping of trees overhanging highways.

23.—(1) Where any tree, hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp, or to endanger or obstruct the passage of vehicles or foot passengers or to obstruct the view of drivers of vehicles, the local authority may serve a notice on the owner of the tree, hedge or shrub, or on the occupier of the premises on which such tree, hedge or shrub is growing, requiring him to lop or cut the tree, hedge or shrub within fourteen days so as to prevent such obstruction or interference, and in default of compliance the local authority may themselves carry out the requisition of their notice, doing no unnecessary damage, and may recover summarily as a civil debt the cost from the owner or occupier upon whom the notice was served.

(2) The powers conferred on the local authority by this section shall, as respects any main road maintained

by a county council, be exercisable by the county council instead of by the local authority, and any expenses incurred by a county council under this section shall be defrayed as expenses for general county purposes.

(3) Any person aggrieved by any requirement of the local authority or county council under this section may appeal to a petty sessional court within fourteen days after the service of such notice.

Projections against or in front of houses or buildings.

24. Any projection erected or placed against or in front of any house or building, which by reason of being insecurely fixed or of defective construction or otherwise, is a source of danger to persons lawfully using a street within an urban district, shall, for the purposes of sections sixty-nine and seventy of the Towns Improvement Clauses Act, 1847, as incorporated with the Public Health Act, 1875, be deemed to be an obstruction to the safe or convenient passage along the street, and those sections, including the penal provisions thereof, shall apply accordingly.

Restriction on placing rails, beams, &c. over streets.

25.—(1) It shall not be lawful for any person to fix or place any overhead rail, beam, pipe, cable, wire or other similar apparatus over, along, or across any street, without the consent of the local authority, and any such consent shall be in writing under the hand of the clerk, and may contain such reasonable terms and conditions as the local authority think fit.

(2) Any person acting in contravention of the provisions of this section, or of the terms and conditions (if any) of such consent, shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Nothing in this section shall extend to any works or apparatus belonging to any statutory undertakers.

(4) Upon the commencement of this section Part II. of the Public Health Acts Amendment Act, 1890, shall cease to have effect as respects any area in which this section is in force, but any byelaws made by the local authority under that Part of that Act shall nevertheless remain in force as respects that area until revoked by a resolution of the local authority.

Byelaws as to wires, &c. connected with

26.—(1) The local authority may make byelaws for the prevention of danger or obstruction to persons using any street or public place from posts, wires,

tubes, aerials or any other apparatus, in connection with or for the purposes of wireless telegraphy or telephony installations, stretched or placed, whether before or after the commencement of this section, on or over any premises and liable to fall on to any street or public place. wireless installations.

In this section the expression "public place" includes any public park or garden, and any ground to which the public have or are permitted to have access, whether on payment or otherwise.

(2) Nothing in any byelaws made under this section shall extend to any apparatus belonging to any statutory undertakers.

Bridges over or in Streets.

27.—(1) The local authority may grant to the owner or occupier of any premises abutting upon any street a licence to construct and use a way by means of a bridge over that street for such period and on such terms and conditions as to the local authority may seem fit: Power to grant licences for bridges over streets.

Provided that—

(*a*) No fine, rent or other sum of money (except a reasonable sum in respect of legal or other expenses incurred) shall be payable for or in respect of the licence:

(*b*) The licence shall not authorise any interference with the convenience of persons using the street, or affect the rights of the owners of the property abutting on the street or the rights of any tramway, railway, dock, harbour or electricity undertakers acting under powers conferred by Parliament:

(*c*) It shall be a condition of every such licence that the owner of the premises, or if the licence is granted to the occupier, the occupier shall, at the request of the local authority and at his own expense, remove or alter such bridge in such manner as the local authority require, in the event of their considering such removal or alteration necessary or desirable in connection with the carrying out of improvements to the street at any time, and the decision of the local authority that such

removal or alteration is necessary or desirable shall be final and conclusive, and this condition may be enforced by the local authority against the owner for the time being of the premises:

41 & 42 Vict. c. 76.

(*d*) For the purposes of section seven of the Telegraph Act, 1878, any work authorised or required by a licence under this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament, and for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts, 1863 to 1925, a bridge constructed or used in accordance with a licence under this section shall be deemed to be part of any street or road which it crosses.

(2) If any person (except in the exercise of statutory powers) constructs a bridge over any street without such licence, or constructs or uses a bridge otherwise than in accordance with the terms and conditions of the licence, or fails to remove or alter a bridge when required so to do under this section, or fails to remove a bridge in accordance with a term or condition of the licence or within one month after the expiration of the licence, he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Erection of bridge forming part of new street.

28.—(1) No person (except in the exercise of statutory powers) shall construct a bridge to carry a new street unless the bridge and its approaches are of such width and gradients as are approved by the local authority, and are constructed in accordance with specifications, plans and sections so approved.

(2) If any person acts in contravention of this section he shall be liable to a penalty not exceeding twenty pounds, and the local authority may remove, alter or pull down any work begun or done in contravention of this section, and may recover the expenses incurred by them in so doing from such person in a summary manner as a civil debt.

(3) The requirements of this section shall be in substitution for the requirements of any byelaws of the local authority applying to bridges and made before the commencement of this section.

New Streets.

Continuation of existing street.

29. A street may be deemed to be a new street for the purpose of the application of any byelaws of the local authority with respect to new streets, or of any provision in a local Act with respect to the width of new streets notwithstanding that it is a continuation of an existing street.

Declaration of street as a new street.

30.—(1) Where it appears to the local authority that the whole or any portion of an existing highway will be converted into a new street as a consequence of building operations which have been, or are likely to be, undertaken in the vicinity, the local authority may by order declare such highway, or such portion thereof as may be specified in the order, to be a new street for the purpose of the application thereto of their byelaws with respect to new streets or of any provision in a local Act with respect to the width of new streets.

(2) Not less than one month before making an order under this section, the local authority shall cause notice of the intended order to be posted at each end of the street, or part of the street, or in some conspicuous position in the street or part affected.

(3) Every such notice shall contain a statement that the intended order may be made by the local authority on or at any time after the day named in the notice, and that an appeal to quarter sessions will lie under this Act against the order at the instance of any person aggrieved.

(4) Upon an order under this section coming into operation any person who shall commence to erect a new building upon land abutting on or adjoining the highway, or portion of the highway, by the order declared to be a new street, shall, in relation to that land, be deemed to be laying out a new street within the meaning of the byelaws of the local authority with respect to new streets, or of any provision in a local Act with respect to the width of new streets.

(5) Nothing in this section shall extend to a building (other than a dwelling-house) erected by a railway company in the exercise of their statutory powers and occupied or used for the purposes of their railway, or erected by the owners, trustees or conservators, acting under powers conferred by Parliament, of any canal,

inland navigation, dock or harbour, and occupied or used for the purposes of the canal, inland navigation, dock or harbour.

Width of streets in certain cases.

31.—(1) Whenever application shall be made to the local authority to approve the plans of a new street, in pursuance of any byelaw or enactment requiring a plan to be submitted to the local authority, and such new street in the opinion of the local authority will form—

(*a*) a main thoroughfare or a continuation of a main thoroughfare, or means of communication between main thoroughfares in their district; or

(*b*) a continuation of a main approach, or means of communication between main approaches, to their district;

the local authority may, as a condition of their approval, require that the new street shall be formed of such width as they may determine:

Provided that, if such width exceeds by more than twenty feet the maximum width prescribed for a new street by any byelaw or enactment with respect to the width of new streets which may be in force in the area, the local authority shall make compensation for any loss or damage which may be sustained by reason of the street being required to be a width greater than twenty feet in excess of such maximum width.

(2) The amount of such compensation shall, in default of agreement, be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, but in estimating the amount of any such compensation, the benefits accruing to the person to whom the same shall be payable by reason of the widening of the street, shall be fairly estimated and shall be set off against the compensation.

9 & 10 Geo. 5. c. 57.

(3) Nothing in this section shall empower the local authority to require any person to defray any greater expense in the execution of any street works than would have been payable, if the street had been of no greater width than the width prescribed as aforesaid by any byelaw or enactment, and the additional expense incurred in the execution of street works by reason of the street being of such greater width, shall be certified by the surveyor, or in case of dispute shall be determined by a

petty sessional court, and shall be borne by the local authority.

(4) The local authority shall determine in any case to which this section applies the proportion of the width of any such new street to be laid out as a carriageway, or as a footway or footways, and any such new street shall be formed accordingly.

Width of street where buildings erected on one side of street.

32.—(1) Where an owner proposes to lay out a new street upon land which adjoins or abuts on an existing highway, and buildings have been or are about to be erected on one side only of that highway, the local authority, in any case in which they are empowered to require such owner to widen the existing highway to the width prescribed for a new street by any byelaw or enactment with respect to the width of new streets (which width is in this section referred to as "the prescribed width") may, instead of requiring the existing highway to be widened to the prescribed width, by order permit such owner to widen the highway to such less width as may be specified in the order, so, however, that the distance between the centre line of the existing highway and the boundary (as extended) of the highway on the side adjoining the land of such owner shall not be less than one-half of the prescribed width.

(2) Notwithstanding anything in section seven of the Public Health Acts Amendment Act, 1907, as applied by this Act, an appeal shall not lie to a court of quarter sessions against the withholding or refusal by the local authority of an order under this section.

(3) Not less than twenty-one days before the local authority make an order under this section, notice of the proposed order shall be sent by the local authority to the owner of the land to which the order will relate, and to any owner of land which adjoins or abuts on the other side of the existing highway opposite the land to which the order will relate.

(4) If and when building shall commence on the land last mentioned, the owner of that land shall complete the widening of the existing highway to the prescribed width, and if he fails to do so, he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

Provided that this subsection shall not impose on any such owner an obligation to pull down any building

erected before the date of the order of the local authority under this section.

Street Improvements.

Power to prescribe improvement line for widening streets.

33.—(1) Where in the opinion of the local authority—

(*a*) any street repairable by the inhabitants at large is narrow or inconvenient, or without any sufficiently regular boundary line; or

(*b*) it is necessary or desirable that such street shall be widened;

the local authority may prescribe in relation to either side of the street, or at or within a distance of fifteen yards from any street corner, the line to which the street shall be widened (in this section called "the improvement line").

(2) Any improvement line which the local authority propose to prescribe shall be marked and shown on a plan (in this section called "the improvement plan") to be signed by the clerk, and the plan shall be deposited at the offices of the local authority, and shall be open, during ordinary office hours, for a period of one month after its deposit, to inspection, free of charge, by any person interested.

(3) Upon the deposit of the improvement plan, the local authority shall give notice in writing of such deposit, and of the liabilities imposed by this section, to every occupier and owner of land interested, whose name and address can be reasonably ascertained by them, and where the name and address cannot after diligent inquiry be ascertained by them, by affixing the notice to the premises.

(4) The local authority shall consider any objection made to a proposed improvement line, and not less than six weeks after the date on which notice of the deposit of the improvement plan was given to owners and occupiers, the authority may by resolution prescribe an improvement line, and the line so prescribed shall be shown on a plan duly sealed and authenticated and shall be the improvement line for the purposes of this section.

(5) No new building, erection or excavation shall, after an improvement line has been prescribed, be placed or made nearer to the centre line of the street than the

improvement line, except with the consent of the local authority, which consent may be given for such period and subject to such terms and conditions as they may deem expedient:

Provided that the foregoing prohibition shall not affect any right of statutory undertakers to make any excavation for the purpose of laying, altering, maintaining, repairing or renewing any main, pipe, electric line, cable, duct or other work or apparatus.

(6) Any person whose property is injuriously affected by the prescribing of an improvement line shall be entitled to obtain compensation in respect of such injurious affection from the local authority:

Provided that a person shall not be entitled to obtain compensation on account of any building erected, or contract made or other thing done after the date of the deposit under this section of the improvement plan, not being work done for the purpose of finishing a building begun or of carrying out a contract entered into before that date.

(7) The amount of such compensation shall, in default of agreement, be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919:

Provided that, in determining the amount of such compensation, the arbitrator may take into account and embody in his award any undertaking with regard to the exercise of their powers under this section in relation to the property affected, which the local authority have offered to give to the claimant, and the terms of any undertaking so embodied in the award shall be binding on and enforceable against the local authority.

(8) The local authority may purchase any land not occupied by buildings, lying between the improvement line and the boundary of the street, or any interest in such land, and the provisions of the Lands Clauses Acts, including the provisions with respect to the purchase and taking of lands otherwise than by agreement, except sections ninety-two and one hundred and twenty-three of the Lands Clauses Consolidation Act, 1845, shall extend to such land or interest in land. 8 & 9 Vict. c. 18.

(9) Any land purchased under the preceding subsection shall be added to the street, and until the land is so added, the occupier of the land from which it is

severed, and other persons with his permission, shall be entitled to reasonable access across the land so purchased to and from the street, and shall have the same rights in regard to the laying, altering, maintaining, repairing and renewing of drains, mains, pipes or electric lines in such land as if the same were part of the street.

(10) In the assessment of compensation for injurious affection, or in respect of a purchase of land, under this section, the benefits accruing to the person to whom the same shall be payable, by reason of the widening or improvement of the street, shall be fairly estimated and shall be set off against the compensation.

(11) Any compensation for injurious affection payable by a local authority under the foregoing provisions of this section may be recovered summarily as a civil debt.

(12) If after an improvement line has been prescribed by the local authority, any person offends against the provisions of this section, he shall, without prejudice to any other proceedings which may be available against him, be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(13) Nothing in this section contained shall apply to or affect—

(*a*) any property occupied or used by a railway company for the purposes of their railway without the consent of the company; or

(*b*) any property vested in the owners, trustees or conservators, acting under powers conferred upon them by Parliament, of any canal, inland navigation, dock or harbour, and used for the purposes of the canal, inland navigation, dock or harbour, unless the consent of such persons is obtained by the local authority; or

(*c*) any land specifically authorised by Parliament to be used for the manufacture or storage of gas, the generation of electricity, or as a pumping station or reservoir for water, unless the consent of the undertakers is obtained by the local authority:

Provided that any consent required by this subsection shall not be unreasonably withheld, and any

question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Health.

Extension to county councils of preceding section.

34.—(1) The powers conferred on the local authority by the last preceding section may be exercised by the county council as respects any main road maintained by the county council, and in relation to any main road so maintained the provisions of that section shall have effect with the substitution of the county council for the local authority:

Provided that the county council shall consult the district council before the preparation by them of an improvement plan with respect to any main road maintained by the county council.

(2) The county council may contribute towards expenses incurred under the last preceding section by the local authority of any district within their area.

(3) Any expenses incurred by a county council under this section shall be defrayed as expenses for general county purposes, and money may be borrowed by a county council for the purposes of this section subject to and in accordance with the provisions of the Local Government Act, 1888. 51 & 52 Vict. c. 41.

Private Street Works.

Power to vary width of carriageway and footway on making up private street. 55 & 56 Vict. c. 57.

35. Upon the exercise by an urban authority of the powers of section one hundred and fifty of the Public Health Act, 1875, or of the Private Street Works Act, 1892, as the case may be, in relation to any street, the urban authority shall have power to require a variation of the relative widths of the carriageway and footway or footways of the street:

Provided that no greater charge shall be imposed on a frontager by reason of any such variation than could have been imposed in respect of a carriageway or footway of the width prescribed for a new street of the same class by any byelaw or enactment with respect to the width of new streets which applied to the street when it was laid out, and any sum in excess of that charge shall be borne by the urban authority.

PART III.

SANITARY PROVISIONS.

Reconstruction of drains.

36. Where any person has been convicted of causing a drain to be constructed in contravention of section twenty-five of the Public Health Act, 1875, the court may, in addition to or in lieu of imposing a penalty under that section, order that the drain shall be laid, relaid, amended or remade by him, as the case may require, in accordance with the provisions of the said section, and if he does not comply with the order within the time limited by the order for the purpose, the local authority may cause the drain to be laid, relaid, amended or remade, as the case may require, and may recover in a summary manner as a civil debt from such person the expenses incurred by them in so doing.

Power of local authority to lay drains in private streets.

37. The local authority may, if they think fit, by agreement with and at the expense of any person owning or occupying premises abutting on any street not being a highway repairable by the inhabitants at large, lay down, take up, or relay or renew in, across or along the street, such drains as may be requisite or proper for connecting the premises with any sewer which has been laid in the street, doing as little damage as may be and making compensation for any damage done by them.

Execution by local authority of drainage works.

38.—(1) Where notice is given to the local authority under section twenty-one of the Public Health Act, 1875, by an owner or occupier of premises, of his intention to cause his drains to empty into the sewers of the authority, the local authority shall be entitled, if they think fit, in lieu of appointing under that section a person to superintend the making of the communication between the drain and the sewer, themselves to make the communication.

(2) Before any work is executed by the local authority under this section, the cost, or the estimated cost, of making the communication between the drain and the sewer, shall be paid to the local authority, or security for the payment shall be given to the satisfaction of the local authority.

(3) If any payment made to the local authority under the preceding subsection of this section exceeds the total expense incurred by the local authority in the

execution of the work, the excess shall be repaid by the local authority.

(4) The local authority may recover summarily as a civil debt the total expense incurred by them in the execution of the work, in so far as such expense may not be covered by any payment made to the local authority under the foregoing provisions of this section.

(5) The local authority may by agreement with the owner or occupier of any premises, make, alter or enlarge any drain or sewer, or effect any connection between a drain and sewer, which the owner or occupier is required or desires to make, alter, enlarge or effect.

(6) Upon the commencement of this section, section eighteen of the Public Health Acts Amendment Act, 1890, shall be repealed as respects any area in which this section is in force.

Notice of intention to reconstruct or alter drains.

39.—(1) It shall not be lawful for any person, except in case of emergency, to reconstruct or alter the course of any drain which communicates with a sewer or with a cesspool or any other receptacle for drainage, without giving to the urban authority at least twenty-four hours previous notice in writing of his intention so to do.

(2) Where any such works are executed without notice in a case of emergency, it shall not be lawful for any person to cover over the drain without giving to the urban authority at least twenty-four hours previous notice in writing of his intention so to do.

(3) Free access to the drain or the work of reconstruction or alteration, shall be afforded to the surveyor, or sanitary inspector, or any officer of the urban authority authorised in writing by the urban authority for the purpose of inspection.

(4) Any person who contravenes or fails to comply with the requirements of this section shall for each offence be liable to a penalty not exceeding five pounds.

(5) Nothing in this section shall extend to any drain constructed by or belonging to, or which may hereafter be constructed by or belong to, a railway company and situate under, across or along their railway.

(6) Nothing in this section shall extend to any drain which is vested in the owners, trustees or conservators, acting under powers conferred by Parliament, of any dock or harbour.

Power to require specially enlarged sewer in new street.

40. If in any street not repairable by the inhabitants at large, the local authority shall require, for the purpose of main drainage or otherwise, a larger sewer to be made than could lawfully be required by them under any enactment relating to private street works which applies to the street, the person by whom the sewer is made shall construct an enlarged sewer in accordance with the requirements of the local authority, and the additional cost thereof, as certified by the surveyor, or in the case of dispute as determined by a petty sessional court, shall be paid to such person by the local authority.

Prevention of entry of petrol, &c. into sewer.

41.—(1) Every person who wilfully or negligently empties, turns or permits to enter, into any sewer, or any drain communicating with a sewer, any petroleum spirit or carbide of calcium, shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(2) In this section the expression "petroleum spirit" means—

(*a*) any crude petroleum;

(*b*) any oil made from petroleum, coal, shale, peat or other bituminous substances; and

(*c*) any products of petroleum and mixtures containing petroleum;

which, when tested in manner set forth in the First Schedule to the Petroleum Act, 1879, gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

42 & 43 Vict. c. 47.

Ventilation of soil pipes.

42. Where it appears to the local authority, on the report of the surveyor or the sanitary inspector, that the soil pipe in connection with a watercloset of a house is not properly ventilated, the watercloset shall not be deemed to be a sufficient watercloset for the purposes of section thirty-six of the Public Health Act, 1875.

Nuisance caused by occupation of tents, vans, &c.

48 & 49 Vict. c. 72.

43.—(1) Subsection (1) of section nine of the Housing of the Working Classes Act, 1885 (which relates to tents, vans, sheds and similar structures used for human habitation), shall extend to any tent, van, shed or similar structure, which is used for human habitation in such a way as to be a nuisance or injurious to health, or to cause a nuisance or give rise to conditions injurious to health.

(2) The powers of the court under section ninety-six of the Public Health Act, 1875, to make orders dealing with nuisances shall, in the case of a nuisance caused by or in connection with a tent, van, shed, or similar structure used for human habitation, include power to prohibit the use of the structure for human habitation at such places or within such area as may be specified in the order.

(3) On any proceedings for the recovery of a penalty for the contravention of byelaws made under subsection (2) of section nine of the Housing of the Working Classes Act, 1885, the court, in addition to or instead of inflicting a penalty, may make an order prohibiting the use for human habitation of the tent, van, shed or other structure, in connection with which the contravention occurred, at such places or within such area as may be specified in the order.

Establishment of offensive trade or business.

44.—(1) In the application to an urban district of any provisions of the Public Health Acts, 1875 to 1907, with respect to the establishment of an offensive trade, or with respect to an offensive trade established before or after a specified time, and of any byelaws made under those provisions, a trade shall be deemed to be established not only when it is established in the first instance, but also if and when—

(*a*) it is transferred or extended from the premises on which it is for the time being carried on to other premises; or

(*b*) it is resumed on any premises on which it was previously carried on, after it has been discontinued for more than six months; or

(*c*) the premises on which it is carried on are enlarged;

but a change in the ownership or occupation of the premises on which a trade is carried on, or the rebuilding of such premises when they have been wholly or partially pulled down or burnt down, without any extension of the area, shall not be deemed to be an establishment of the business for the purposes aforesaid.

(2) Any consent of the urban authority under section one hundred and twelve of the Public Health Act, 1875, to the establishment of an offensive trade, may be given so as to authorise the carrying on of the trade for a limited period specified in the consent, and for such

extension thereof as may from time to time be granted by the local authority, and any person carrying on the trade after the expiration of the period so specified, or any such extension thereof, as the case may be, shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART IV.

VERMINOUS PREMISES, &C.

Verminous articles.

45.—(1) If it appears to the local authority, on the certificate of the medical officer or sanitary inspector, that any articles in any premises used for human habitation in the district are infested with vermin, or by reason of their having been used by, or having been in contact with, any person infested with vermin, are likely to be so infested, the local authority at their expense may cause such articles to be cleansed, disinfected or destroyed, and if necessary for that purpose to be removed from the premises.

(2) Where a person sustains damage by reason of the exercise by the local authority of their powers under this section, and the condition of the article with respect to which those powers have been exercised is not attributable to his act or default, the local authority shall make reasonable compensation to that person.

Verminous houses.

46.—(1) If it appears to the local authority, on the certificate of the medical officer or sanitary inspector, that any premises used for human habitation in the district are infested with vermin, the local authority may give written notice to the occupier of the premises, or if the premises be vacant to the owner of the premises, requiring him within a period specified in the notice to cleanse the premises, and the notice may require, among other things, the removal of wallpaper or other covering on the walls, and the taking of such other steps as the local authority may require for the purpose of destroying or removing vermin:

Provided that, where any work required by the notice is work for which the owner of the premises is under the tenancy responsible, the notice requiring the work to be performed may be given by the local authority to the owner of the premises.

(2) If the person on whom a notice under this section is served fails within the period specified in the notice to comply with the requirements thereof, he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings, and the local authority may, after the expiration of the said period, themselves carry out the work required by the notice, and recover the reasonable costs and expenses incurred by them in a summary manner from that person.

(3) If any person, upon whom a notice is served under this section, deems himself aggrieved by the requirements of the notice, he may within fourteen days after the service of the notice, appeal to a petty sessional court, and any order made by the court shall be binding and conclusive on all parties.

Powers of officers of local authority, &c.

47. Sections one hundred and two and one hundred and three of the Public Health Act, 1875 (which relate respectively to the power of entry by a local authority in case of nuisances, and the penalty for disobedience to an order for admission to premises), shall apply and have effect as if references therein to nuisances included references to articles and premises infested, or suspected of being infested, with vermin, and as if references to that Act included references to this Part of this Act.

Cleansing of verminous persons.

48.—(1) Upon the application of any person, the local authority may, if they think fit, take such measures as may, in their opinion, be necessary to free that person and his clothing from vermin.

(2) Where it appears to the local authority, on a report from the medical officer, that any person, or the clothing of any person, is infested with vermin and that person consents to be removed to a cleansing station, the local authority may cause him to be removed to such station, and, if he does not so consent, then a petty sessional court, if satisfied on the application of the local authority that it is necessary that he or his clothing should be cleansed, may make an order for his removal to a cleansing station and for his detention therein for such period and subject to such conditions as may be specified in the order.

(3) Where a person has been removed to a cleansing station in pursuance of the last preceding subsection, the local authority shall take such measures as may, in their

opinion, be necessary to free him and his clothing from vermin.

(4) Any consent required to be given for the purposes of this section may, in the case of a person under the age of sixteen years, be given on his behalf by his parent or guardian.

(5) The cleansing of females under this section shall be effected only by a registered medical practitioner, or by a woman duly authorised by the medical officer.

(6) No charge shall be made by the local authority in respect of the cleansing of a person, or of his removal to or his maintenance in a cleansing station under this section; and such cleansing, removal and maintenance shall not be considered to be parochial relief or charitable allowance to the person cleansed, removed or maintained, or to the parent of such person, and neither he nor his parent shall by reason thereof be deprived of any right or privilege, or be subject to any disqualification or disability.

(7) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(8) Upon the commencement of this section, the local authority shall cease to be the local authority for the purpose of the Cleansing of Persons Act, 1897, and any buildings, appliances or attendants provided under that Act by the local authority shall be treated as having been provided by that authority under the Public Health Acts, 1875 to 1907.

60 & 61 Vict. c. 31.

(9) The powers conferred on the local authority by this section shall be in addition to, and not in derogation of, any power in relation to the cleansing of children that may be exercisable by them as local education authority.

Provision of cleansing stations, &c., and expenses.

49.—(1) The local authority may provide such cleansing stations, apparatus and attendants, as may be necessary for the exercise of their powers under this Part of this Act, and may contract with any other local authority or person for the provision of such cleansing stations, apparatus or attendants.

(2) Any two or more local authorities may by agreement combine for any of the purposes of this Part of this Act, and the agreement may provide for the

appointment of a joint committee, for the apportionment of expenses, and for any other matters which may be necessary for carrying the combination into effect.

Definitions of "premises," "vermin," and "verminous."

50. In this Part of this Act unless the context otherwise requires—

The expression "premises" includes any tent, van, shed or similar structure used for human habitation, and any boat used for the like purpose lying in any river, harbour, dock, canal or other water within the district and not within a port sanitary district;

The expression "vermin," in its application to insects and parasites, includes their eggs, larvæ and pupæ, and the expression "verminous" shall be construed accordingly.

PART V.

WATERCOURSES, STREAMS, &C.

Power to require covering in of watercourses and ditches.

51.—(1) If any watercourse or ditch, situated upon land laid out for building or on which any land laid out for building abuts, requires in the opinion of the urban authority to be wholly or partially filled up or covered over, the urban authority may by notice in writing require the owner of the land, before any building operations are begun or proceeded with, to execute such works as may in their opinion be necessary for effecting the objects aforesaid, or for substituting for the watercourse or ditch, a pipe, drain or culvert with all necessary gullies, pipes and means of conveying surface water through the same.

(2) Any person who fails to comply with a requirement of the urban authority under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) Nothing in this section shall authorise an urban authority to require the execution of works upon the land of any person, other than the owner of the land laid out for building, without the consent of that person, or prejudicially to affect the rights of any person not being the owner of the land so laid out.

Streams not to be culverted or covered over

52.—(1) It shall not be lawful within an urban district to culvert or cover over any stream or watercourse, except in accordance with plans and sections to

except in accordance with plans.

be submitted to and approved by the urban authority, such approval not to be unreasonably withheld, and if the urban authority, within six weeks after such plans and sections have been submitted to them, shall have failed to notify their determination in writing to the person who submitted the same, the urban authority shall be deemed to have approved of the plans and sections.

(2) No requirement of an urban authority in relation to plans and sections submitted under this section shall operate to compel any owner to receive upon his land, or to make provision for the passage of, a greater quantity of water than he would have been obliged to receive or to permit to pass but for this section.

(3) If, with the consent of the owner, the urban authority shall require the owner to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section, any additional cost occasioned by such requirement shall be borne by the urban authority.

(4) If any difference shall arise between an urban authority and an owner as to the expediency or necessity of the works required by the authority to be executed under this section, such difference may be determined by a petty sessional court on the application of either party.

(5) Any person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Repair and cleansing of culverts.

53. The owner or occupier of any culvert situate within an urban district shall from time to time repair, maintain and cleanse the culvert, and if any such owner or occupier fails to comply with the requirements of a notice given to him by the urban authority to repair, maintain or cleanse his culvert within a time specified in the notice, the urban authority may execute any necessary works of repair or maintenance, or may cleanse such culvert, and the expenses so incurred, as certified by the surveyor, may be recovered by the urban authority summarily as a civil debt from the owner or occupier.

Watercourse choked up to be a nuisance under Public Health Act, 1875.

54.—(1) Any part of a watercourse which is situate within the district of an urban authority, and is so choked or silted up as to obstruct or impede the proper flow of water along the same, and thereby to cause, or render probable, an overflow of the watercourse on to land and property adjacent to the watercourse, or to hinder the usual effectual drainage of water through the same, shall be deemed to be a nuisance within the meaning of section ninety-one of the Public Health Act, 1875, and all the provisions of that Act relating to nuisances shall apply to every such watercourse, notwithstanding that the same may not be injurious to health:

Provided that nothing in this section shall be deemed to impose any liability on any person other than the person by whose act or default the nuisance arises or continues.

(2) This section shall not extend to a part of a watercourse which is ordinarily navigated by vessels employed in the carriage of goods by water.

Power of local authority to defray cost of or execute works.

55. An urban authority may, if they think fit, contribute the whole or a portion of the expenses of the execution of works for the purposes mentioned in this Part of this Act, or may by agreement with owners or occupiers themselves execute any such works, and may borrow, subject to the provisions of the Public Health Acts, 1875 to 1907, the amount of any payment under this section.

PART VI.

RECREATION GROUNDS.

Further powers as to parks and pleasure grounds.

56.—(1) The following powers shall be added to the powers conferred upon the local authority by section seventy-six of the Public Health Acts Amendment Act, 1907 (in this section called "the principal section"), with respect to any public park or pleasure ground provided by them or under their management and control, namely, powers—

(*a*) to provide, or contribute towards the expenses of, any concert or other entertainment given in the park or ground;

(*b*) to enclose, for the purpose of such concerts and entertainments, any part of the park or ground not exceeding one acre or one-tenth of the

area of the park or ground, whichever is the greater; and

(*c*) to charge for admission to any such concerts or entertainments provided by themselves, or to let the part of the park or ground so enclosed to any person for the purpose of providing the same, and to authorise that person to charge for admission thereto:

Provided that the following restrictions shall have effect with respect to any concert or other entertainment provided by the local authority under this section, that is to say:—

(i) No stage play shall be performed; and

(ii) The concert or other entertainment shall not include any performance in the nature of a variety entertainment; and

(iii) No cinematograph film, other than a film illustrative of questions relating to health or disease, shall be shown; and

(iv) No scenery, theatrical costumes or scenic or theatrical accessories shall be used.

(2) Any part of the park or ground enclosed under paragraph (*e*) of subsection (1) of the principal section for the purposes of bands of music, may be used for any of the purposes of concerts or other entertainments.

(3) Any expenditure of the local authority, in the exercise of their powers to provide or contribute to a band under subsection (1) of the principal section and any expenditure of the local authority in the exercise of their powers under subsection (1) of this section, shall not when added together exceed in any one year an amount equal to that which would be produced by a rate of one penny in the pound on the property liable to be assessed for the purpose of the rate out of which the expenses of the park or ground are payable, as assessed for the time being for the purposes of that rate, or such higher rate not exceeding twopence in the pound as may be approved by the Minister of Health, and subsection (3) of the principal section shall cease to have effect.

(4) In the foregoing provision of this section, the expression "expenditure" means net expenditure after allowing for the receipts arising from the exercise of the

power to provide or contribute to a band, or of the powers conferred by subsection (1) of this section.

(5) When any part of the park or ground has been set apart by the local authority for the purpose of cricket, football or any other game or recreation, under paragraph (*b*) of subsection (1) of the principal section, the local authority may charge reasonable sums for the use thereof for that purpose.

(6) Part VI. of the Public Health Acts Amendment Act, 1907, shall have effect as if the powers given to local authorities by this section were included amongst the powers given to local authorities by the principal section.

PART VII.

INFECTIOUS DISEASE AND HOSPITALS.

Contact with body of person dying of infectious disease.

57. Every person having the charge or control of premises in which is lying the body of a person who has died from any dangerous infectious disease shall take such steps as may be reasonably practicable to prevent persons coming into contact with the body unnecessarily, and if he fails to do so he shall be liable to a penalty not exceeding five pounds.

Medical examination of inmates of common lodging-houses.

58.—(1) A justice of the peace may, on complaint made on oath by a medical officer of an urban or rural district, grant a warrant to such officer to enter any common lodging-house where, according to the reasonable belief of the officer, there is a person who is suffering, or has recently suffered, from a dangerous infectious disease, and to examine any person found in that house with a view to ascertaining whether he is suffering, or has recently suffered, from such disease.

(2) Any person who obstructs a medical officer in the execution of his powers and duties under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

Closing of common lodging-house on account of infectious disease therein.

59.—(1) If, on the application of the local authority, a petty sessional court is satisfied that it is necessary in the interests of the public health that a common lodging-house should be closed on account of the existence, or recent existence, therein of dangerous infectious disease, the court may make an order directing the house to be

closed until it is certified by the medical officer to be free from infection.

(2) If a lodger is received, or allowed to remain, in a common lodging-house in contravention of such order, the keeper of the lodging-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The local authority shall make compensation to the keeper of a common lodging-house for any loss sustained by him by reason of the house being closed under this section.

Definition of "dangerous infectious disease." 52 & 53 Vict. c. 72.

60.—(1) In the foregoing provisions of this Part of this Act the expression "dangerous infectious disease" means any infectious disease named in section six of the Infectious Disease (Notification) Act, 1889.

(2) The Minister of Health may by order declare any other infectious disease to be a dangerous infectious disease for the purpose of any of the foregoing provisions of this Part of this Act, either generally or as respects any particular area, and accordingly the expression "dangerous infectious disease" shall, as respects the purpose aforesaid and within the area to which the order extends, include any disease so declared, so long as the order may continue in force.

Amendment as to enforcement by county councils of regulations under s. 130 of 38 & 39 Vict. c. 55. 3 & 4 Geo. 5. c. 23.

61.—(1) For the removal of doubts it is hereby declared that where in accordance with section two of the Public Health (Prevention and Treatment of Disease) Act, 1913, a county council is declared by the Minister of Health to be an authority to execute and enforce regulations made under section one hundred and thirty of the Public Health Act, 1875, such regulations may, with the consent of the council, authorise the council to provide or to arrange for the provision of suitable means for the proper isolation and treatment of persons suffering from any disease to which the regulations apply, and may for that purpose apply any of the provisions of the Public Health Acts, 1875 to 1907.

(2) Any regulations made under the said section one hundred and thirty authorising a county council to provide or arrange for the provision of suitable means for the proper isolation and treatment of persons suffering from any disease, may direct that the county contributions, whether for general or special county purposes,

which are liable to be assessed on the parishes in respect of any expenses incurred by the council in providing or maintaining any hospital or institution, or in providing for the cost of maintenance of patients in any hospital or institution, shall be assessed on such parishes in proportion to the use made of such hospitals and institutions by the inhabitants of the parishes, respectively, or in such other proportion as may be prescribed, and any precept for county contributions may include as a separate item any contributions, whether for general or special county purposes, which are to be so assessed in accordance with such regulations.

Removal to hospital of infectious persons suffering from pulmonary tuberculosis.

62.—(1) Where it is proved to the satisfaction of a court of summary jurisdiction—

(*a*) that any person suffering from pulmonary tuberculosis is in an infectious state; and

(*b*) that the lodging or accommodation provided for that person is such that proper precautions to prevent the spread of infection cannot be taken, or that such precautions are not being taken; and

(*c*) that serious risk of infection is thereby caused to other persons; and

(*d*) that a suitable hospital or institution exists for the reception and accommodation of that person;

the court, upon the application of the county council or of the local authority, may, with the consent of the superintending body of the hospital or institution, make an order for the removal of that person to that hospital or institution and for his detention and maintenance therein for such period not exceeding three months as the court think fit.

(2) Before making application for an order under this section, the county council or local authority shall give to the person to whom the application is to relate, or to some person having the care of that person, not less than three clear days' notice of the time and place at which the application will be made.

(3) Upon application being made for an order under this section the court may in any case in which they think it necessary to do so require the person to whom the application relates to be examined by such

duly qualified medical practitioner as the court may direct.

(4) The cost of the removal of any person to a hospital or institution, and of his detention and maintenance therein in pursuance of an order made under this section, shall be borne by the county council or local authority upon whose application the order was made, and during any period for which a person is so detained the county council or local authority may and, if so required by the court, shall make towards the maintenance of any dependants of that person such contributions as the county council or local authority think fit, or as may be directed by the court, as the case may be.

(5) Where before the expiration of any period for which a person has been ordered to be detained under this section, the court is satisfied upon the application of the county council or local authority that the conditions which led the court to order his detention will again exist if he is not detained for a further period, the court may, subject to the like consent, order the detention of that person for a further period, not exceeding three months.

(6) Upon not less than three clear days' notice being given to the clerk of the county council or local authority upon whose application an order under this section was made, application for the rescission of the order may be made by or on behalf of the person to whom the order relates at any time after the expiration of six weeks from the date of the order, and upon the hearing of any such application the court may, if they think fit, rescind the order.

(7) An order under this section may be addressed to such constable or officer of the county council or local authority as the court may think expedient, and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(8) Any expenses incurred under this section by a county council shall be defrayed as expenses for general county purposes, or, if the Minister of Health by order so directs, as expenses for special county purposes charged on such part of the county as may be provided by the order.

Extended use of ambulances, &c. 56 & 57 Vict. c. 68.

63.—(1) Any carriage provided under section one hundred and twenty-three of the Public Health Act, 1875, and any ambulance provided under section thirteen of the Isolation Hospitals Act, 1893, may be used for the conveyance of persons upon their discharge from a hospital or of sick persons not suffering from infectious disease, provided that suitable precautions are taken to prevent the communication of infectious disease to any person so conveyed.

(2) A reasonable charge may be made by the local authority or isolation hospital committee for the use of a carriage for any purpose authorised by this section.

(3) Section one hundred and twenty-three of the Public Health Act, 1875, as amended by this section, shall extend to any joint board to whom the provisions of that section have been applied.

Power of local authority to subscribe to hospitals, &c. 38 & 39 Vict. c. 55.

64.—(1) The power of a local authority under section one hundred and thirty-one of the Public Health Act, 1875 (which enables a local authority for the purpose of the provision of hospital accommodation for their district, among other things, to enter into agreements with persons having the management of any hospital), shall include a power to make reasonable subscriptions or donations to a voluntary hospital or institution, if the local authority are satisfied that by so doing they will maintain or extend or increase the efficiency of hospital accommodation for the sick inhabitants of their district.

(2) The expenditure under this section of a local authority shall not exceed in any one year, an amount equal to that which would be produced by a rate of one penny in the pound on the property liable to be assessed for the purpose of the rate out of which such expenditure is payable.

Power to provide houses for officers, &c., at a hospital.

65.—(1) Any local authority by whom a hospital is provided may provide dwelling-houses for officers or servants employed at that hospital by the local authority, and may defray any expenses in the execution of the power conferred by this section as expenses incurred by the local authority in the provision of the hospital are defrayed.

(2) In this section "local authority" includes a joint hospital board constituted under the Public Health Act, 1875, or committee constituted under the Isolation

Hospitals Acts, 1893 and 1901, or any joint committee of local authorities formed for the purpose of providing a hospital.

PART VIII.

MISCELLANEOUS.

Power of county councils and local authorities to assist in prevention of blindness.

66.—(1) Without prejudice and in addition to any other power under any other Act, a county council or local authority shall have power, with the consent of the Minister of Health, to make such arrangements as they may think desirable for assisting in the prevention of blindness, and in particular for the treatment of persons ordinarily resident within their area suffering from any disease of or injury to the eyes.

(2) Any expenses incurred under this section by a county council shall be defrayed as expenses for general county purposes or, if the Minister of Health by order so directs, as expenses for special county purposes charged on such part of the county as may be provided by the order.

(3) A council may exercise any of the powers conferred by this section (other than the power of raising a rate or of borrowing money) through a committee of the council, and may appoint as members of the committee persons specially qualified by training or experience in matters relating to the blind who are not members of the council, but not less than two-thirds of the members of the committee shall consist of members of the council, and a committee established under this section may, subject to any direction of the council, appoint such and so many sub-committees consisting either wholly or partly of members of the committee as the committee thinks fit.

(4) For the purposes of this section, a person who becomes an inmate of any hospital or institution after the commencement of this Act shall be deemed to continue to be ordinarily resident in the area in which he was ordinarily resident before he became an inmate of such hospital or institution.

Notices, lectures, &c., on questions as to health or disease.

67.—(1) Any local authority or county council may arrange for the publication within their area of information on questions relating to health or disease, and for the delivery of lectures and the display of pictures in which such questions are dealt with, and may defray the whole

or a portion of expenses incurred for any of the purposes of this section.

(2) The Minister of Health may, for the purposes of this section, make rules prescribing restrictions or conditions subject to which the powers conferred by this section may be exercised.

Power to provide parking places for vehicles.

68.—(1) Where for the purpose of relieving or preventing congestion of traffic it appears to the local authority to be necessary to provide within their district suitable parking places for vehicles, the local authority may provide such parking places in accordance with the provisions of this section, and for that purpose may—

(*a*) acquire land suitable for use as a parking place; or

(*b*) utilise any lands which may lawfully be appropriated for the purpose; or

(*c*) by order authorise the use as a parking place of any part of a street within their district, not being a street within the London Traffic Area:

Provided that no such order shall—

(i) authorise the use of any part of a street so as unreasonably to prevent access to any premises adjoining the street, or the use of the street by any person entitled to the use thereof, or so as to be a nuisance; or

(ii) be made in respect of any part of a street without the consent of the authority or person responsible for the maintenance of the street.

(2) Where a local authority propose to make an order under this section authorising the use as a parking place of any land forming part of a street, or propose to acquire or utilise any land for the purposes of this section, the local authority shall cause notice of the proposal to be published in at least one newspaper circulating within their district, and shall also cause a copy of such notice to be posted for not less than fourteen days on the land to which the proposal relates, and every such notice shall—

(*a*) specify the land to which the proposal relates; and

(*b*) notify the date (which shall not be less than twenty-eight days) within which any objection

to the proposal shall be sent in writing to the local authority; and

(*c*) contain a notification of the right of appeal conferred by this section.

(3) Before carrying into effect any proposal of which notice is required by this section to be given, the local authority shall consider any objection to the proposal which is sent to them in writing within the time fixed in that behalf, and shall, after so considering it, give notice of their decision to the person by whom the objection was made, and if any person is aggrieved by any such decision he may, within twenty-one days after receiving notice thereof, appeal therefrom to a petty sessional court.

(4) The local authority may take all such steps as may be necessary to adapt for use as a parking place any land, not being part of a street, which they may acquire or utilise under this section, and may appoint with or without remuneration such officers and servants as may be necessary for the superintendence of parking places.

(5) The exercise by a local authority of their powers under this section with respect to the use as a parking place of any part of a street shall not render them subject to any liability in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle parked in such parking place.

(6) A local authority may make regulations as to the use of parking places, and in particular as to the vehicles or class of vehicles which may be entitled to use any such parking place, as to the conditions upon which any such parking place may be used, and as to the charges to be paid to the local authority in connection with the use of any parking place not being part of a street, and a copy of any such regulations shall be exhibited on or near any parking place to which the regulations relate.

(7) While any vehicle is within a parking place it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire, and if any person acts in contravention of this provision he shall be liable to a fine not exceeding forty shillings.

(8) Any order made under this section may be varied or revoked by any subsequent order made in like manner.

(9) In this section the expression "parking place" means a place where vehicles, or vehicles of any particular class or description, may wait.

Provision of grounds for cricket, football, and other games.

69.—(1) A county council, local authority or parish council may acquire by purchase, gift or lease, and may lay out, equip and maintain lands, not being lands forming part of any common, for the purpose of cricket, football or other games and recreations, and may either manage those lands themselves and charge persons for the use thereof or for admission thereto, or may let such lands, or any portion thereof, to any club or person for use for any of the purposes aforesaid.

(2) A county council, local authority or parish council may contribute towards the expenses incurred under this section by any other council or authority.

(3) Any expenses incurred under this section by a county council shall be defrayed as expenses for general county purposes, and any expenses so incurred by a parish council shall be defrayed as part of the expenses of the council under the Local Government Act, 1894. 56 & 57 Vict. c. 73.

(4) The provisions of the Local Government Act, 1888, shall apply with respect to the exercise by a county council of the powers conferred by this section; and the provisions of the Local Government Act, 1894, shall apply with respect to the exercise of the said powers by a parish council.

(5) In this section the expression "common" includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green.

Use of public offices for entertainments, &c.

70.—(1) Any offices provided by the local authority for the transaction of business may be used by the local authority for the purposes of concerts or other entertainments which may be provided either by the local authority or by any other person, and any such offices as aforesaid may be let by them for use for those purposes, or for the purpose of meetings, at such times and in such manner as will not interfere in any way with the transaction of the business of the local authority:

Provided that the restrictions imposed by Part VI. of this Act with respect to the character of any concert or other entertainment provided by the local authority under the powers conferred by that Part shall apply with respect to any concert or other entertainment provided by the local authority under this section.

(2) Any expenses incurred by the local authority in the exercise of the powers conferred by this section shall be defrayed out of the fund or rate out of which the expenses of the local authority in the maintenance of the offices are defrayed, and any receipts shall be carried to the credit of that fund or rate.

Power to establish cold-air stores, &c.

71.—(1) Where a local authority have provided a public slaughter-house or market, they may, with the consent of the Minister of Health, provide a cold-air store or refrigerator, with all machinery, apparatus and appliances necessary for the proper working and use thereof, and for the storage and preservation of meat and other articles of food, and may make in respect of the use of any such cold-air store or refrigerator, such reasonable charges as they may determine.

(2) A local authority intending to apply for the consent of the Minister of Health under this section shall give notice of their intention by advertisement in some newspaper circulating in the district one month at least before the making of such application.

(3) The Minister shall consider any objection to the proposal of the local authority which may be made by any person appearing to him to be interested, and, in the event of any such objection being made and not withdrawn, shall cause a local enquiry to be held at which all persons interested shall be permitted to attend and make objections.

(4) The local authority shall cause to be given at least fourteen days' notice of the intention to hold such local enquiry by advertisement in some newspaper circulating in the district.

Precautions against contamination of food intended for sale.

72.—(1) This section applies to any room, not being a room to which the Factory and Workshop Act, 1901, as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act, 1907, applies, in which food is prepared for sale, or in which any food, other than food contained in

receptacles so closed as to exclude all risk of contamination, is sold or is stored or kept with a view to future sale. 1 Edw. 7. c. 22. 7 Edw. 7. c. 32.

(2) The occupier of any room to which this section applies shall not permit the room to be used for the purpose of selling, preparing, storing, or keeping any food unless the following requirements are complied with, that is to say:—

(*a*) No sanitary convenience shall be in the room, or shall communicate directly therewith, or shall be so placed that offensive odours therefrom can penetrate to the room:

(*b*) No cistern for the supply of water to the room shall be in direct communication with or discharge directly into any sanitary convenience:

(*c*) No outlet for the ventilation of any drain shall be in the room, and if there is in the room any inlet or opening into any drain, that inlet or opening shall be efficiently trapped:

(*d*) The room shall not be used as a sleeping place, and no sleeping place shall communicate directly with the room in such manner as to cause unreasonable risk of contamination to food in the room:

(*e*) The room shall, except in the case of a room used as a cold store, be adequately ventilated.

(3) The occupier of any room to which this section applies shall—

(*a*) cause the walls and ceiling of the room to be whitewashed, cleansed, or purified as often as may be necessary to keep them in a clean state: and

(*b*) prevent any unnecessary accumulation or deposit of refuse or filth in the room.

(4) The occupier of any room to which this section applies and every person engaged in any such room shall take all such steps as may be reasonably necessary on his part to prevent risk of contamination to food in the room and to secure the cleanliness of the room and of all articles, apparatus, and utensils therein.

(5) The medical officer, sanitary inspector, and any other officer of a local authority duly authorised in writing by the authority in that behalf shall have power

at all reasonable times to enter and inspect any room to which this section applies for the purpose of ascertaining whether the provisions of this section are complied with.

(6) If any person acts in contravention of or fails to comply with any of the provisions of this section, or hinders or obstructs an officer of a local authority in the exercise of his powers or duties under this section, he shall be liable to a penalty not exceeding twenty shillings for the first offence or not exceeding five pounds for any subsequent offence and in either case to a daily penalty not exceeding twenty shillings.

(7) In this section the expression—

"food" includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and flavouring matters and condiments;

"room" includes any shop, shed, store, outbuilding, or cellar;

"sanitary convenience" includes urinals, water-closets, earth-closets, privies, ashpits, and any similar convenience.

Rag and bone dealers not to sell food or toys.

73.—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles, or any person carrying on the business of a rag and bone merchant, or any person acting on behalf of any such person, to sell or distribute within the district of the local authority from any cart, barrow or other vehicle used for the collection of rags, bones or similar articles, or in or from any shop or premises used for, or in connection with, the business of a rag and bone merchant any article of food or any balloon or other toy.

(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Penalties for neglect of traffic directions and for dangerous driving, &c.

74.—(1) Where a police constable in uniform is for the time being engaged in the regulation of traffic at any place in a street, not being a place within the London Traffic Area, any person driving or propelling any vehicle who wilfully neglects or refuses to stop the vehicle or make it proceed or keep to a particular line of traffic when directed so to do by such police constable

in the execution of his duty, shall be liable to a fine not exceeding five pounds.

(2) If any person rides or drives so as to endanger the life or limb of any person or to the common danger of the passengers in any street, not being a street within the Metropolitan Police District, he may be arrested without warrant by any constable who witnesses the occurrence, and any person who so rides or drives as aforesaid shall be liable to a fine not exceeding five pounds.

(3) In this section the expression "street" includes a county bridge.

Byelaws as to persons waiting to enter public vehicles.

75.—(1) The local authority may make byelaws for regulating the conduct of persons waiting in streets to enter public vehicles, and the priority of entry into such vehicles, and may by such byelaws require queues or lines to be formed and kept by such persons.

(2) The local authority may erect and maintain, or permit other persons to erect and maintain, in any street such barriers and posts as appear to the local authority to be necessary for the purposes of securing compliance with any such byelaws:

Provided that the powers of the local authority under this subsection shall not be exercised in the case of a main road maintained by a county council except with the consent of such county council.

(3) Nothing in subsection (2) of this section shall be construed as empowering the local authority to hinder the reasonable use of the street by the public, or to obstruct the access to or exit from any station or goods yard belonging to a railway company or to or from any premises belonging to the owners, trustees, or conservators, acting under powers conferred by Parliament, of any canal, inland navigation, dock or harbour, and used for the purposes of the canal, inland navigation, dock or harbour, nor shall any barrier or post be erected on any bridge carrying any street over a railway or the approaches thereto.

(4) This section shall not extend to any street within the London Traffic Area.

As to public vehicles taken at railway stations.

76. In any area within which the provisions of the Town Police Clauses Act, 1847, with respect to hackney carriages are in force, those provisions and any byelaws of the local authority with respect to hackney carriages

10 & 11 Vict. c. 89.

shall be as fully applicable in all respects to hackney carriages standing or plying for hire at any railway station or railway premises within such area, as if such railway station or railway premises were a stand for hackney carriages or a street:

Provided that—

(*a*) the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises, or to the driver or conductor of such vehicle;

(*b*) nothing in this section shall empower the local authority to fix the site of the stand or starting place of any hackney carriage in any railway station or railway premises, or in any yard belonging to a railway company, except with the consent of that company.

Rate of interest on certain expenses.

77. The rate of interest on expenses recoverable by a local authority—

(*a*) under section two hundred and thirteen or section two hundred and fifty-seven of the Public Health Act, 1875 (which relate to private improvement rates and the recovery of expenses from an owner of premises);

(*b*) under section thirteen or section fourteen of the Private Street Works Act, 1892 (which relate to charges on premises in respect of the expenses of street works and the recovery of such expenses); or

55 & 56 Vict. c. 57.

(*c*) under any provision relating to the execution of street works in a local Act;

shall, as regards expenses incurred after the commencement of this Act, be five per cent. or such other rate of interest as the Minister of Health may from time to time by order fix, and different rates of interest may be fixed for different purposes and in different cases.

Notices of certain works and objections thereto. Local inquiries by inspectors

78.—(1) The time before which notice by advertisement is to be given by a local authority under section thirty-two or under section fifty-three of the Public Health Act, 1875, of intended sewerage works outside their district, or of an intended reservoir for water, shall be six weeks before the commencement of the work, instead of three months and two months, respectively, before such commencement.

(2) The time within which notice under section thirty-three or under section fifty-three of the Public Health Act, 1875, is to be served by a person objecting to any such intended work of sewerage or reservoir, shall be four weeks after the publication of the advertisement of the local authority giving notice of the intended work, instead of three months and two months, respectively, before the commencement of the work.

(3) In the provisions of sections thirty-four and fifty-three of the Public Health Act, 1875, which relate to local inquiries into any such work or reservoir by an inspector of the Minister of Health, the words "in the locality" are hereby substituted for "on the spot."

(4) The amendments of sections thirty-two to thirty-four and section fifty-three of the Public Health Act, 1875, made by this section shall have effect as regards any work to which any of those sections is extended by any provision of the Public Health Acts, 1875 to 1907.

Amendment of 38 & 39 Vict. c. 55. s. 234, as to interest on sinking fund.

79. Where sums are set apart as a sinking fund for the purpose of paying off moneys borrowed by a local authority in the exercise of their powers under the Public Health Act, 1875, the interest received in any year from the investment of the sums so set apart shall, after the commencement of this Act, instead of being accumulated in accordance with the provisions of regulation (4) of section two hundred and thirty-four of that Act, form part of the revenue for that year of the fund or rate out of which the sums were set apart, but the contribution to be made to the sinking fund out of such fund or rate shall in that year be increased by a sum equal to the interest that would have accrued to the sinking fund during that year if interest had been accumulated therein at such rate that the accumulations would with the sums set apart be sufficient to pay off the moneys borrowed within the period sanctioned.

Power to lay gas and water pipes in private streets.

80.—(1) If the local authority are authorised to supply gas or water, they may, on the application of the owner or occupier of any premises within their limits of supply abutting on any street laid out but not dedicated to public use, supply those premises with gas or water, as the case may be, and lay down, maintain and repair pipes in such street, and for the purposes of this section the Gasworks Clauses Act, 1847, and the Waterworks Clauses Act, 1847, shall apply as if section

10 & 11 Vict. c. 15.
10 & 11 Vict. c. 17.

seven of the former Act and section twenty-nine of the latter Act had been excepted from incorporation with the Acts relating to the local authority.

(2) The powers conferred by this section shall not extend to any street which is repairable by the owners, trustees or conservators acting under powers conferred by Parliament of any railway, canal, inland navigation, dock or harbour, and used for the purposes of the railway, canal, inland navigation, dock or harbour, unless the consent of such persons is obtained by the local authority, but such consent shall not be unreasonably withheld, and upon an application made to the Minister of Health by the local authority or by the owners, trustees or conservators of the undertaking, the Minister may, if he thinks fit, determine whether a consent has unreasonably been withheld to the exercise by the local authority of their powers under this section.

Contribution by local authority to street works under 38 & 39 Vict. c. 55. s. 150, or local Acts.

81. Any local authority, by whom notices requiring the execution of works have been served under section one hundred and fifty of the Public Health Act, 1875, or any provision relating to street works in a local Act, may, if they think fit, at any time resolve to contribute the whole or a portion of the expenses of the works.

Declaration of streets as highways repairable by inhabitants.

82. Where, after the commencement of this Act, notices have been given under section one hundred and fifty of the Public Health Act, 1875, by the urban authority, as respects any street, and that street is sewered, levelled, paved, flagged, metalled, channelled, and made good (all such works being done to the satisfaction of the urban authority) then, on the application in writing of the greater part in rateable value of the owners of the houses or land in such street, the urban authority shall, within three months after the time of such application, by notice put up in such street, declare the same to be a highway repairable by the inhabitants at large, and thereupon such street shall become a highway repairable by the inhabitants at large.

Interpretation of 38 & 39 Vict. c. 55. s. 154.

83. For removing doubts, it is hereby declared that the purposes mentioned in section one hundred and fifty-four of the Public Health Act, 1875 (which relates to the purchase of premises for the widening, opening, enlarging or otherwise improving any street, or for the making of any new street), include the improvement and

development of frontages or of the lands abutting on or adjacent to any street.

List of repairable streets.

84.—(1) Every urban authority shall, within six months after the commencement of this Act, cause to be prepared a list of the streets within their district which are repairable by the inhabitants at large.

(2) Any list prepared under this section shall be open to the inspection of any person, without payment, during the ordinary office hours of the urban authority.

PART IX.

BATHS AND WASHHOUSES.

Charges for use of baths and washhouses.

85.—(1) Any authority having power to carry into execution the Baths and Washhouses Acts, 1846 to 1899 (in this Part of this Act referred to as "the local authority"), may make charges for or in connection with the use of any bath, washhouse or bathing place provided by the authority at such rates as may be fixed by a scale authorised by the authority in accordance with the provisions of this section.

(2) Every scale for the purposes of this section shall be authorised by a resolution duly passed by the local authority, and the local authority shall at least one month before proceeding to consider any resolution for authorising such a scale, cause the proposed scale to be published in at least one newspaper circulating within the area of the authority, and in such other manner as the authority may consider necessary for bringing the proposed scale to the notice of persons interested.

Amendment of section 34 of Baths and Washhouses Act, 1846. 9 & 10 Vict. c. 74.

86. Section thirty-four of the Baths and Washhouses Act, 1846, shall, so far as it requires the bye-laws made for the purposes of that Act by a local authority to make provision for the purposes specified in Schedule (A.) to that Act, cease to have effect.

Closing and use when closed of swimming baths.

87.—(1) The local authority may, during any period between the first day of October and the last day of the following April, close any swimming bath provided by the authority, and may at any time while the swimming bath is closed, use the swimming bath for such purposes, or allow it to be used or let it for such purposes, and upon such terms and conditions as in their absolute discretion they think proper:

Provided that the restrictions imposed by Part VI. of this Act with respect to the character of any concert or other entertainment provided by a local authority under the powers conferred by that Part shall apply with respect to any concert or other entertainment provided by the local authority under this section.

(2) The power of the local authority to make byelaws under the Baths and Washhouses Act, 1846, shall include power to make byelaws for the regulation, management and use of the swimming bath when used for any purposes authorised by this section, and the local authority may appoint such officers and servants as are necessary for the management and superintendence of the bath when used by them for any of those purposes, and may pay reasonable salaries, wages and allowances to those officers and servants.

(3) The foregoing provisions of this section shall be substituted for sections five to eight of the Baths and Washhouses Act, 1878, but nothing in those provisions shall affect the operation of proviso (*a*) or (*c*) to section two of the Baths and Washhouses Act, 1896, or proviso (*a*) or (*c*) to section two of the Baths and Washhouses Act, 1899.

41 & 42 Vict. c. 14.

59 & 60 Vict. c. 59.

62 & 63 Vict. c. 29.

(4) Nothing in this section shall authorise the use of a swimming bath for the public performance of stage plays, for public music, or public music and dancing, or other public entertainment of the like kind, or for cinematograph exhibitions, unless such licence as may be required for the use of a place for any such purpose shall have been obtained or any notice required by subsection (2) of section seven of the Cinematograph Act, 1909, duly given, and any terms, conditions or restrictions attached to the grant of such licence or any regulations or conditions made or imposed under the said subsection (2) shall apply, notwithstanding anything contained in any byelaw made under this section.

9 Edw. 7. c. 30.

SCHEDULES.

FIRST SCHEDULE.

Section 3.

PROVISIONS IN PARTS II. AND III. OF THIS ACT TO THE ADOPTION OF WHICH BY AN URBAN AUTHORITY FOR A DISTRICT OF LESS THAN 20,000 POPULATION THE CONSENT OF THE MINISTER OF HEALTH IS REQUIRED.

PART II.

Provisions.	Subject-matter of Provisions.
Section 21	Prevention of water flowing on footpath.
Section 22	For preventing soil, &c., from being washed into streets.

PART III.

Section 44	Offensive trades or businesses.

SECOND SCHEDULE.

Section 4.

PROVISIONS IN PARTS II. AND III. OF THIS ACT WHICH CANNOT BE ADOPTED BY A RURAL DISTRICT COUNCIL.

PART II.

Provisions.	Subject-matter of Provisions.
Sections 17 to 19	Naming of streets.
Section 21	Prevention of water flowing on footpath.
Section 22	Washing of soil into streets.
Section 24	Projections in streets.
Section 35	Power to vary width of carriageway and footway upon making up private street.

PART III.

Section 39	Notice of intention to reconstruct or alter drains.
Section 44	Offensive trades or businesses.

Section 5.

THIRD SCHEDULE.

RESOLUTION OF ADOPTION.

1. A resolution of adoption must be passed at a meeting of the local authority.

2. One month at least before the meeting of the local authority special notice of the meeting and of the intention to propose the resolution shall be given to every member of the local authority, and such notice shall also be inserted once at least in one or more of the newspapers circulating within the area of the local authority in each of two successive weeks.

3. A resolution of adoption after being passed shall be published by advertisement in some one or more newspapers circulating within the area of the local authority by whom the resolution is passed, and may also be published otherwise in such manner as the local authority thinks sufficient for giving notice thereof to all persons interested.

4. A copy of the resolution of adoption shall be sent to the Minister of Health.

5. The resolution of adoption shall come into operation at such time, not less than one month after the first publication of the advertisement, as may be fixed by the local authority, or if the consent of the Minister of Health to the adoption is required, at such time as may be fixed by the Minister.

Section 7.

FOURTH SCHEDULE.

APPLICATION OF PROVISIONS OF PART I. OF THE PUBLIC HEALTH ACTS AMENDMENT ACT, 1907.

Provisions Applied.	Subject-matter of Provisions.
Section 4 - - - -	Expenses of local authority.
Section 5 (1) and (2) - -	Enquiries by Minister of Health.
Section 6 - - - -	Legal proceedings, &c.
Section 7 - - - -	Appeals to quarter sessions, &c.
Section 9 (except the proviso)	Byelaws.
Section 10 - - - -	Compensation, how ascertained.
Section 11 - - - -	Powers of Act cumulative.
Section 12 - - - -	Crown rights.
Section 13 (except so far as it relates to the expressions "the commencement of this Part" or "the commencement of this section").	Interpretation.

FIFTH SCHEDULE.

Section 9.

ENACTMENTS REPEALED BY THIS ACT.

PART I.

ENACTMENTS REPEALED AS FROM THE DATE ON WHICH A SCALE OF CHARGES IS AUTHORISED BY THE LOCAL AUTHORITY.

Session and Chapter.	Short Title.	Extent of Repeal.
9 & 10 Vict. c. 74.	The Baths and Washhouses Act, 1846.	In section 34 the words from "and for determining" to "bathing places respectively."
10 & 11 Vict. c. 61.	The Baths and Washhouses Act, 1847.	Section 7 and the Schedule.
41 & 42 Vict. c. 14.	The Baths and Washhouses Act, 1878.	In section 4 the words from "and make such" to the end of the section, section 14 and the Schedule.

PART II.

Section 9.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
9 & 10 Vict. c. 74.	The Baths and Washhouses Act, 1846.	In section 34 the words from "and such byelaws" to "Schedule (A) to this Act," and Schedule (A).
41 & 42 Vict. c. 14.	The Baths and Washhouses Act, 1878.	Sections 5 to 8.
59 & 60 Vict. c. 59.	The Baths and Washhouses Act, 1896.	Proviso (*b*) to section 2. In section 3 the words "with "fourteen days' previous "notice."
62 & 63 Vict. c. 29.	The Baths and Washhouses Act, 1899.	Proviso (*b*) to section 2.
7 Edw. 7. c. 53.	The Public Health Acts Amendment Act, 1907.	Section seventy-nine.

CHAPTER 72.

An Act for the prevention of abuses in connection with the Grant of Honours. [7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Punishment of abuses in connection with the grant of honours.

1.—(1) If any person accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, or for any purpose, any gift, money or valuable consideration as an inducement or reward for procuring or assisting or endeavouring to procure the grant of a dignity or title of honour to any person, or otherwise in connection with such a grant, he shall be guilty of a misdemeanour.

(2) If any person gives, or agrees or proposes to give, or offers to any person any gift, money or valuable consideration as an inducement or reward for procuring or assisting or endeavouring to procure the grant of a dignity or title of honour to any person, or otherwise in connection with such a grant, he shall be guilty of a misdemeanour.

(3) Any person guilty of a misdemeanour under this Act shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine, and where the person convicted (whether on indictment or summarily) received any such gift, money, or consideration as aforesaid which is capable of forfeiture, he shall in addition to any other punishment be liable to forfeit the same to His Majesty.

(4) The Vexatious Indictments Act, 1859, as amended by any subsequent enactment, shall apply to offences under this Act as if they were included among the offences mentioned in section one of that Act. 22 & 23 Vict. c. 17.

2. This Act may be cited as the Honours (Prevention of Abuses) Act, 1925. Short title.

CHAPTER 73.

An Act to establish a National Library in Scotland on the foundation of the Library gifted for that purpose by the Faculty of Advocates, and for purposes connected therewith.

[7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) There shall be established and founded in Scotland a library with the name of the National Library of Scotland (in this Act referred to as "the Library"), and for the purpose of managing the Library and for the other purposes of this Act there shall be constituted a Board of Trustees (in this Act referred to as "the Board"), which shall be a body corporate by the name of "The Trustees of the National Library of Scotland," with perpetual succession and a common seal, and power to sue and be sued, and to acquire and hold property for the purposes of the Library and of this Act. Service on the Board of all legal processes and notices shall be effected by service on their secretary. Establishment of Library and constitution of Board of Trustees.

(2) The Board shall be constituted and their proceedings shall be determined in accordance with the provisions contained in the Schedule to this Act.

(3) Any document purporting to be sealed with the seal of the Board or to be signed in the name of the

Board by the chairman or the secretary of the Board or any person authorised by the Board to act in that behalf shall be receivable in evidence of the particulars stated in that document.

Powers and duties of Board.

2. The Board shall have the general management and control of the Library, and for that purpose may—

(*a*) make, revoke or vary statutes for securing the due administration of the Library and preserving the books and other articles belonging thereto, including statutes regulating admission to the Library;

(*b*) accept and receive for the purposes of the Library or any of them gifts or bequests of money, books or articles, or any other property;

(*c*) exchange, sell, or otherwise dispose of any duplicate books or other duplicate articles belonging to the Library, and with the consent of the Treasury exchange, sell, or otherwise dispose of books or other articles belonging to the Library which in the opinion of the Board are not required for the purposes thereof;

(*d*) with the consent of the Treasury apply any money received by the Board on the exchange, sale, or disposal of any books or other articles and any moneys received by the Board from any other source and not subject to any specific direction or condition in the purchase of any book or other article which in the opinion of the Board it is desirable to acquire for the Library, or otherwise in defraying any of the expenses of the Board;

(*e*) lend to any library, gallery, or museum under the control of a public authority or university in Great Britain or to any library, gallery, museum, or exhibition approved for the purposes of this provision by the Treasury, any duplicate book or other duplicate article belonging to the Library, or any book or other article, not being a duplicate, which can in the opinion of the Board be temporarily removed from the Library without injury to the interests of the students or of the public using the Library: Provided that, before making any such loan, the Board

shall be satisfied that due provision is made for the safety and insurance of the book or other article lent, and for payment of all expenses in connection with the removal and return thereof or otherwise in connection with such loan;

(*f*) subject as hereinafter provided, and with the consent of the Treasury, appoint a librarian and other officers, assistants, or servants on such terms and subject to such conditions as the Board think fit;

(*g*) subject to the provisions of this Act, do such other things as appear to the Board to be necessary or expedient for furthering the interests and increasing the utility of the Library.

Transfer of Advocates' Library.

3.—(1) On the appointed day there shall by virtue of this Act be transferred from the Faculty of Advocates (hereinafter in this Act referred to as "the Faculty") to the Board the entire contents of the Advocates' Library, with the exception of the Faculty's collection of law books, legal manuscripts and papers, the Faculty Records, and pictures and articles of furniture belonging to the Faculty, and the property so transferred shall, subject to the provisions of this Act, be held by the Board for public use to all posterity.

(2) The transfer hereinbefore in this section provided shall have effect as a full discharge to the Faculty of all duties, obligations and liabilities incumbent on them with respect to the property transferred, whether under any Act of Parliament, charter, trust, gift, bequest, deed, or otherwise.

(3) The Faculty's collection of law books excepted from the aforesaid transfer shall remain vested in the Faculty for the purposes of their Law Library.

(4) Any question which may arise as to what are law books or legal manuscripts and papers, or pictures, or articles of furniture belonging to the Faculty within the meaning of this section shall be determined by the Keeper of the Advocates' Library.

(5) Nothing in this section contained shall affect the rights of any body or person other than the Faculty in or with respect to any book or other article forming part

of the contents of the Advocates' Library which has been deposited therein for custody only, or which is not the property of the Faculty.

Transfer of funds of Endowment Trust.

4.—(1) As soon as conveniently may be after the appointed day, the Trustees of the Endowment Trust shall convey and make over to the Board the funds in their possession as such Trustees, or the investments representing those funds, together with any accumulations of the income of those funds, after deducting—

(*a*) the amount of any expenses incurred by the said Trustees in the execution and management of their Trust (including the expense of such conveyance); and

(*b*) any sums which the said Trustees may have applied to the maintenance of the Advocates' Library:

to be held and administered by the Board subject to the provisions of this Act and to any specific direction or condition attaching to any part of those funds.

(2) The receipt of the Board shall have effect as a full discharge to the said Trustees of all their duties, obligations, and liabilities as Trustees of the Endowment Trust, and after the completion of the aforesaid conveyance that trust shall cease to exist.

Transfer of privilege under Copyright Act, 1911, 1 & 2 Geo. 5. c. 46. s. 15.

5.—(1) From and after the appointed day, and subject to the provisions of this section, the privilege enjoyed by the Advocates' Library under the Copyright Act, 1911, shall be transferred to the Library, and section fifteen of that Act (which relates to the delivery of copies of books to the British Museum and other libraries) shall be amended by the substitution of the words "the National Library of Scotland" for the words "the Library of the Faculty of Advocates at Edinburgh" occurring therein.

(2) Copies of law books delivered for the Board as the authority of the Library under the said section as so amended shall be transmitted by the Board to the Faculty.

(3) The Board shall cause to be inserted in the written demands made for them under the said section as so amended such law books as may be named in writing to them by the Faculty.

(4) Copies of law books transmitted to the Faculty in pursuance of this section shall vest in the Faculty for the purposes of their Law Library.

(5) Any question which may arise between the Board and the Faculty as to what are law books within the meaning of this section shall be settled by agreement between their respective librarians, or, if they fail to agree, by the librarian of the Edinburgh University Library for the time being.

Board and Faculty to make joint regulations.

6. Regulations shall from time to time be made by the Board and the Faculty jointly—

(*a*) for the purposes of the immediately preceding section of this Act; and

(*b*) for facilitating the interchange of books and other articles between the Library and the Law Library of the Faculty; and

(*c*) for facilitating the consultation and use on the one hand of books contained in the Library by the Judges of the Court of Session and the Faculty and on the other hand of books contained in the Faculty's Law Library by the public; and

(*d*) for regulating the borrowing of books from the Library by the existing members of the Faculty, who shall during their respective lifetimes enjoy with respect to the Library as nearly as may be the same right of borrowing books as the existing members of the Faculty enjoy with respect to the Advocates' Library, subject to the payment by the Faculty to the Board of any expense incurred by the Board in consequence of the exercise of this right.

For the purpose of the foregoing provision, the expression "existing members of the Faculty" means all persons who at the date of the passing of this Act are members or intrants of the Faculty or who at that date enjoy by resolution of the Faculty the right of borrowing books from the Advocates' Library.

Gifts and bequests to Library.

7. All books and other articles or money which after the passing of this Act are expressly given or bequeathed to the public or to the nation or to the Board for the

purposes of the Library, or given or bequeathed by words showing an intention that the gift or bequest should enure to or for the benefit of the Library, or which are acquired by purchase or otherwise for the purposes of the Library, shall vest in the Board and be held by the Board for the purposes of the Library.

Provisions with respect to existing premises.

8. With respect to the premises at present occupied by the Faculty in connection with the Advocates' Library or for the purpose of their professional use (in this section referred to as "the existing premises"), the following provisions shall have effect:—

(1) As soon as conveniently may be after the appointed day, and pending the provision of premises for the permanent accommodation of the Library, the Faculty shall make available to the Commissioners of Works for the use of the Board, for the accommodation and the general purposes of the Library, such portion or portions of the existing premises as may not be reasonably required by the Faculty in connection with their Law Library (including future additions to that Library) or for the purpose of their professional use:

(2) When premises for the permanent accommodation of the Library have been provided, the foregoing provision shall cease to have effect, and the existing premises, as the same may have been reconstructed, extended and adapted, shall be allocated between the Faculty and the Commissioners of Works for the use of the Board:

(3) Any question as to the portion or portions of the existing premises to be made available as aforesaid, or as to the subsequent allocation of the existing premises shall be settled by agreement between the Faculty and the Commissioners of Works, or, if they fail to agree, by the Lord President of the Court of Session:

(4) No rent or other consideration in money shall be payable to the Faculty in respect of the occupation by the Commissioners of Works for the use of the Board of the portion or portions of the existing premises made available by the Faculty

as aforesaid: Provided that any expenses of the reconstruction, extension or adaptation of the said portion or portions for the use of the Board, or of the re-adaptation thereof, for the use of the Faculty, or of the repair, maintenance and insurance thereof during the occupation as aforesaid by the Commissioners of Works shall be borne by the Commissioners of Works who shall also pay all rates and taxes leviable on the said portion or portions with respect to the period of such occupation.

Agreements for purposes of Act.

9. Subject to the provisions of this Act, the Faculty, the Board and the Commissioners of Works, or any two of them, may make and carry into effect any agreement which may be necessary for giving effect to the provisions of this Act.

Expenses of Board and Commissioners of Works.

10. Any expenses incurred by the Board in carrying this Act into effect, including any salaries or remuneration paid to the librarian and other officers of the Board, shall be defrayed out of moneys provided by Parliament. All moneys received by the Board from any other source and not subject to any specific direction or condition shall be applied as an appropriation in aid of the moneys provided by Parliament.

Interpretation.

11. In this Act, unless the context otherwise requires,—

The expression "the appointed day" means such day as may be fixed by Order of His Majesty in Council, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act;

The expression "the Endowment Trust" means the Scottish National Library Endowment Trust, constituted by a trust deed by the Right Honourable The Viscount Novar and others, dated the fifth, sixth, seventh and fourteenth, and registered in the Books of Council and Session the nineteenth, all days of March, in the year nineteen hundred and twenty-three;

The expression "the Faculty" means the Faculty of Advocates, and in reference to the acquisition, holding or disposal of heritable property includes the treasurer of the Faculty or any other person or persons acting on behalf of the Faculty.

Short title.

12. This Act may be cited as the National Library of Scotland Act, 1925.

TRANSITORY PROVISIONS.

First meeting of Board.

13.—(1) With a view to the timeous appointment of members of the Board, the Keeper of the Advocates' Library shall, as soon as conveniently may be after the passing of this Act, send a copy of this Act to the Clerk to the Senate of the University of St. Andrews, the Clerk to the Senate of the University of Glasgow, the Secretary of the University of Aberdeen, the Secretary of the University of Edinburgh, the Clerk to the Convention of Royal Burghs, the Clerk to the Association of County Councils in Scotland, and the Clerk to the Association of Education Authorities in Scotland.

(2) Intimation of the first appointments of appointed members shall be made to the said Keeper.

(3) The first meeting of the Board shall be held in Edinburgh, at a place and time not being later than three months after the passing of this Act, to be fixed by the chairman of the Board. Written notice of the place and time so fixed shall be given by the said Keeper to the ex-officio and the appointed members and the life member of the Board.

(4) Until otherwise provided by regulation of the Board, nine members present at any meeting of the Board shall be a quorum, and the proceedings at the first meeting shall not be invalidated by the circumstance that the full number of appointed members of the Board have not been appointed.

(5) At the first meeting of the Board or at any adjournment thereof the members present shall proceed to co-opt five Trustees in accordance with the provisions of the Schedule to this Act, and to make regulations with respect to the subsequent meetings and procedure of the Board.

Transfer of existing officers.

14. For the purpose of carrying out the conditions on which the Faculty resolved to transfer to the nation as a free gift the contents of the Advocates' Library as in this Act provided, the following provisions shall have effect:—

(1) As from the appointed day, the Keeper of the Advocates' Library shall become the first librarian of the Library, and such of the assistants in the employment of the Faculty in connection with the Advocates' Library as the said Keeper, with the consent of the Treasury, may determine, not being persons to be retained in the employment of the Faculty in connection with their Law Library, shall become officers of the Board, and the said librarian and officers shall be deemed to be permanent civil servants of the State and shall be paid such salaries or remuneration as the Treasury approve:

(2) A person transferred to the service of the Board under this section shall vacate his office not later than the end of the completed year of service in the course of which he attains the age of seventy years:

(3) The provisions of the Superannuation Acts, 1834 to 1919, shall apply to persons so transferred as if they had entered the Civil Service with a certificate from the Civil Service Commissioners after the passing of the Superannuation Act, 1909:

Provided that the service of a person so transferred shall be reckoned for the purpose of computing any superannuation allowance, additional allowance, or gratuity, in accordance with the said Acts from the commencement of his employment by the Faculty, or from his eighteenth birthday, whichever is the later:

(4) Notwithstanding anything contained in the immediately preceding subsection, the annual superannuation allowance to be granted to the first Librarian shall, if he continues to serve until he attains the age of seventy years, be

of the amount of £600, or if he retires before attaining the said age, be of such lesser amount as the Treasury may determine to be a reasonable proportion of the said amount of £600.

Sections 1 and 13.

SCHEDULE.

CONSTITUTION AND PROCEEDINGS OF BOARD.

1. The Board shall consist of thirty-four members, of whom twelve shall be ex-officio members, seventeen shall be appointed as hereinafter provided, and five, being persons of eminence in literature or public life, not otherwise members of the Board, shall be co-opted by the Trustees.

The ex-officio members shall consist of the following persons :—

The Lord President of the Court of Session;

The Lord Advocate;

The Secretary for Scotland;

The Dean of the Faculty of Advocates;

The Minister of the High Kirk (St. Giles), Edinburgh;

The Member of Parliament for the Central Division of the City of Edinburgh;

The Lord Provost of Edinburgh;

The Lord Provost of Glasgow;

The Lord Provost of Dundee;

The Lord Provost of Aberdeen;

The Lord Provost of Perth;

The King's and Lord Treasurer's Remembrancer.

Of the appointed members :—

Five shall be persons appointed by His Majesty on the recommendation of the Secretary for Scotland, one of whom at least shall be representative of organised labour;

Five shall be persons appointed by the Faculty;

Seven shall be persons appointed as follows, that is to say:—

One by the Senatus Academicus of each of the Universities of St. Andrews, Glasgow, Aberdeen, and Edinburgh, one by the Convention of Royal Burghs, one by the Association of County Councils in Scotland, and one by the Association of Education Authorities in Scotland.

In addition to the thirty-four Trustees before-mentioned, Sir Alexander Grant, Baronet, or a person to be nominated by him, shall be a member during the lifetime of the said Sir Alexander Grant.

2. The members of the Board appointed by His Majesty shall hold office during His Majesty's pleasure, and one of those members, nominated by His Majesty in that behalf, shall act as chairman of the Board.

The period of office of the other appointed members and of the co-opted members of the Board shall be five years from the date of appointment, or from the date on which the appointment is expressed to take effect: Provided that, in the case of the five members appointed by the Faculty, and in the case of the five co-opted members, the first appointments shall be for the respective periods of one, two, three, four, and five years; and that, in the case of the four members appointed by the Senatus Academicus of the Universities, the first appointments shall be for the respective periods of one, two, three, and four years, in the order of the seniority of the Universities; and the periods of office of the members first appointed or first co-opted as aforesaid shall determine accordingly.

3. If any vacancy occurs by death, resignation, or any other cause other than effluxion of time, the vacancy shall be filled by His Majesty, or by the appropriate appointing body, or by the Trustees, as the case may be, and a person so appointed or co-opted to fill a vacancy shall hold office so long only as the member in whose place he is appointed or co-opted would have held office.

4. Any Trustee ceasing to hold office shall be eligible to be again appointed or co-opted.

5. The Board may appoint one of the Trustees to be vice-chairman of the Board, and in the absence of the chairman, the vice-chairman shall preside at meetings of the Board. In the absence of the chairman and vice-chairman, the Trustees present at a meeting may appoint one of their number to preside thereat. The chairman, vice-chairman, or Trustee presiding at any meeting shall have a casting as well as a deliberative vote.

6. The Board may make regulations—

(*a*) for issuing notices relating to the appointment (other than the first appointments) of members of the Board, and for convening meetings (other than the first meeting) of the Board; and

(*b*) for regulating the proceedings (including the quorum) of the Board; and

(*c*) for enabling the Board to constitute committees, and to include as members of committees persons who are not members of the Board; and

(*d*) for authorising the delegation to committees of all or any of the powers of the Board (other than the power to acquire or dispose of land), and for regulating the proceedings (including the quorum) of committees.

7. The powers of the Board may be exercised notwithstanding any vacancy in their number.

CHAPTER 74.

An Act to amend the Dangerous Drugs Acts, 1920 and 1923, so far as is necessary to enable effect to be given to a Convention signed at Geneva on behalf of His Majesty on the nineteenth day of February, nineteen hundred and twenty-five.

[7th August 1925.]

WHEREAS at a conference held at Geneva for the purpose of completing and strengthening the provisions of the International Opium Convention signed at the Hague on the twenty-third day of January, nineteen hundred and twelve (hereinafter referred to as "the Hague Convention"), a convention for the purpose aforesaid (hereinafter referred to as "the Geneva Convention") was signed on behalf of His Majesty on the nineteenth day of February, nineteen hundred and twenty-five:

And whereas by Article 8 of the Geneva Convention it is provided that, in the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office International d'Hygiene Publique in Paris, finding that any preparation containing any of the narcotic drugs referred to in Chapter III. of the Convention (being the drugs to which Part III. of the Dangerous Drugs Act, 1920, as amended by this Act, applies) cannot give rise to the drug habit on account of the medicaments with which the said drugs are compounded, and which in practice preclude the recovery of the said drugs, the Health Committee shall communicate this finding to the Council of the League of Nations, and that the Council shall communicate the finding to the parties to the Convention, and thereupon the provisions of the Convention will not be applicable to the preparation concerned:

And whereas it is provided by Article 31 of the Geneva Convention that that Convention shall as between the parties thereto replace the provisions of Chapters I., III. and V. of the Hague Convention, which provisions are to remain in force as between the parties to the Geneva Convention and any parties to the Hague Convention which are not parties to the Geneva Convention:

And whereas by Article 36 of the Geneva Convention it is provided that that Convention shall not come into force until it has been ratified as therein mentioned:

And whereas it is expedient to amend the Dangerous Drugs Acts, 1920 and 1923, so far as is necessary to enable effect to be given to the Geneva Convention:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of Part I. of Dangerous Drugs Act, 1920, to

1.—(1) Part I. of the Dangerous Drugs Act, 1920, (which restricts the importation and exportation of, and gives power to regulate dealings in, raw opium), shall, as amended by this Act, apply to coca leaves, Indian hemp,

coca leaves and Indian hemp. 10 & 11 Geo. 5. c. 46.

and resins obtained from Indian hemp and all preparations of which such resins form the base, as it applies to raw opium.

(2) In this Act—

The expression "coca leaves" means the leaves of any plant of the genus of the erythroxylaceæ from which cocaine can be extracted either directly or by chemical transformation:

The expression "Indian hemp" means the dried flowering or fruiting tops of the pistillate plant known as cannabis sativa from which the resin has not been extracted, by whatever name such tops are called.

Amendment of s. 2 (1) of Dangerous Drugs Act, 1920.

2. The words "and except in packages marked in the prescribed manner with an indication of the contents thereof" in subsection (1) of section two of the Dangerous Drugs Act, 1920 (which restricts the exportation of raw opium), are hereby repealed.

Amendment as to drugs to which Part III. of Dangerous Drugs Act, 1920, applies.

3. The following shall be substituted for subsection (1) of section eight of the Dangerous Drugs Act, 1920 (which defines the drugs to which Part III. of that Act applies):—

"(1) The drugs to which this Part of this Act applies are morphine, cocaine (including synthetic cocaine), ecgonine, diacetylmorphine (commonly known as diamorphine or heroin), and their respective salts, medicinal opium, and any extract or tincture of Indian hemp, and any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine or containing not less than one-fifth per cent. of morphine or one-tenth per cent. of cocaine or ecgonine.

"For the purpose of the foregoing provision the expression "ecgonine" means laevo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially, and the percentage in the case of morphine shall be calculated as in respect of anhydrous morphine."

Meaning of "medicinal opium."

4.—(1) For the purposes of the Dangerous Drugs Acts, 1920 and 1923, and this Act, the expression "medicinal opium" means raw opium which has under-

gone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopœia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances.

(2) The definition of medicinal opium in subsection (1) of section fifteen of the Dangerous Drugs Act, 1920, is hereby repealed.

Power to exclude certain preparations from Part III. of Dangerous Drugs Act, 1920.

5. If His Majesty in Council thinks fit to declare that a finding with respect to any preparation containing any of the drugs to which Part III. of the Dangerous Drugs Act, 1920, as amended by this Act, applies has in pursuance of Article 8 of the Geneva Convention been communicated by the Council of the League of Nations to the parties to the said Convention, the provisions of the said Part III. shall as from such date as may be specified in the Declaration cease to apply to the preparation specified therein.

Amendment of s. 6 (2) of Dangerous Drugs and Poisons (Amendment) Act, 1923. 13 & 14 Geo. 5. c. 5.

6. Subsection (2) of section six of the Dangerous Drugs and Poisons (Amendment) Act, 1923 (which defines the expression "corresponding law") shall have effect as though the reference therein to the provisions of the Hague Convention, included a reference to the provisions of the Geneva Convention.

Short title, extent and commencement.

7.—(1) This Act may be cited as the Dangerous Drugs Act, 1925, and the Dangerous Drugs Acts, 1920 and 1923, and this Act may be cited together as the Dangerous Drugs Acts, 1920 to 1925.

(2) This Act shall not extend to Northern Ireland, except in so far as it amends the Dangerous Drugs Acts, 1920 and 1923, in relation to matters with respect to which the Parliament of Northern Ireland have not power to make laws.

(3) This Act shall come into operation on such date as His Majesty may by Order in Council appoint, and different dates may be appointed for different provisions of this Act and in relation to different countries.

CHAPTER 75.

An Act to authorise local authorities under the Public Health (Scotland) Act, 1897, to make arrangements for providing medicines and treatment to persons suffering from diabetes, and for purposes connected therewith.

[10th December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of local authorities to provide medicines, &c., to persons suffering from diabetes. 60 & 61 Vict. c. 38.

1. The powers of a local authority under the Public Health (Scotland) Act, 1897, shall include and be deemed, as from the first day of March, nineteen hundred and twenty-four, to have included power to make such arrangements as they may think fit and as may be sanctioned by the Scottish Board of Health (in this Act referred to as "the Board") for providing medicines and treatment to persons who are suffering from diabetes and who, in the opinion of the local authority, require assistance in obtaining such medicines and treatment.

Combination of local authorities.

2. The Board may, if they think fit, by order authorise two or more local authorities to act together for the purpose of this Act, and may prescribe the mode of such joint action and of defraying the costs thereof.

Short title.

3. This Act may be cited as the Public Health (Scotland) Amendment Act, 1925, and shall be deemed to be part of the Public Health (Scotland) Act, 1897.

CHAPTER 76.

An Act to deal with certain Expiring Laws by making some of them permanent, continuing some of them permanently, and continuing the remainder for a limited period.

[10th December 1925.]

WHEREAS the Acts mentioned in Part I. of the First Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and twenty-five:

And whereas by virtue of repeals effected by the Law of Property (Amendment) Act, 1924, and the Administration of Estates Act, 1925, the Acts mentioned in Part II. of the said Schedule will, to the extent mentioned in the third column thereof, cease to have effect and expire on the thirty-first day of December, nineteen hundred and twenty-five: 15 Geo. 5. c. 5. 15 Geo. 5. c. 23.

And whereas of the Acts mentioned in the Second Schedule to this Act, those mentioned in Parts I., II., and III., thereof are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and twenty-five, the twenty-third day of December, nineteen hundred and twenty-five, the fifteenth day of February, nineteen hundred and twenty-six respectively, and those mentioned in Part IV. thereof are limited to expire on the thirty-first day of March, nineteen hundred and twenty-six:

And whereas it is expedient that the Acts mentioned in the First Schedule to this Act should be made permanent or continue permanently in force, and that the Acts mentioned in the Second Schedule to this Act should be continued, as in this Act mentioned, together in each case with any enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Certain Acts to be permanent.

1.—(1) The Acts mentioned in Part I. of the First Schedule to this Act shall, to the extent specified in column three of that schedule, become permanent Acts, and any provision in any Act in force at the date of the passing of this Act which limits the period for which any of those Acts or any parts thereof are to remain in operation shall cease to have effect.

(2) The Acts mentioned in Part II. of the First Schedule to this Act, shall, notwithstanding any such repeal as is hereinbefore mentioned, not expire on the date fixed for the repeal thereof, but shall continue permanently in force.

Certain Acts to be continued temporarily.

2.—(1) The Acts mentioned in Parts I. to III. inclusive of the Second Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of December, nineteen hundred and twenty-six, and shall then expire, unless further continued.

(2) The Acts mentioned in Part IV. of the Second Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of March, nineteen hundred and twenty-seven, and shall then expire, unless further continued.

Amending enactments.

3. Any unrepealed enactments amending or affecting the enactments made permanent or continued by this Act shall, in so far as they are temporary in their duration, become permanent or be continued in like manner, whether they are mentioned in the First or Second Schedule (as the case may be) to this Act or not.

Short title and application to Ireland.

4.—(1) This Act may be cited as the Expiring Laws Act, 1925.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but subject to this provision this Act shall not apply to Ireland.

SCHEDULES.

FIRST SCHEDULE.

PART I.

ENACTMENTS MADE PERMANENT.

1. Session and Chapter.	2. Title or Short Title.	3. How far made permanent.	4. Amending Acts.
(1) 7 Edw. 7. c. 55.	The London Cab and Stage Carriage Act, 1907.	As to the abolition of the privileged cab system, section two.	——
(2) 6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section five, except paragraph (*a*); section twelve; subsections (1), (2), and (3) of section thirteen; sections fourteen, twenty-one and twenty-two, except paragraph (3); subsection (1) of section twenty-four.	11 & 12 Geo. 5. c. 12.

PART II.

ENACTMENTS CONTINUED PERMANENTLY IN FORCE.

(3) 34 & 35 Hen. 8. c. 20.	An Acte to embarre fayned recoveries of Landes wherein the Kinges Majestye is in reversion.	The whole Act.	——

1ST SCH. —*cont.*

1. Session and Chapter.	2. Short Title.	3. How far made permanent.	4. Amending Acts.
(4) 3 & 4 Will. 4. c. 74.	The Fines and Recoveries Act, 1833.	Section eighteen.	——
(5) 4 & 5 Geo. 5. c. 59.	The Bankruptcy Act, 1914.	Section one hundred and thirty.	——

SECOND SCHEDULE.

PART I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act -	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37. 3 Edw. 7. c. 37. 6 Edw. 7. c. 37. 7 Edw. 7. c. 44. 9 Edw. 7. c. 42. 1 & 2 Geo. 5. c. 19. 4 & 5 Geo. 5. c. 32. 8 & 9 Geo. 5. c. 20. 9 & 10 Geo. 5. c. 55.

2ND SCH. —*cont.*

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(2) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act -	2 & 3 Geo. 5. c. 10.
(3) 4 Edw. 7. c. 24.	The Wireless Telegraphy Act, 1904.	The whole Act.	——
(4) 2 & 3 Geo. 5. c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act -	10 & 11 Geo. 5. c. 50.
(5) 4 & 5 Geo. 5. c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	——
(6) 4 & 5 Geo. 5. c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	6 & 7 Geo. 5. c. 13. 6 & 7 Geo. 5. c. 18. 7 & 8 Geo. 5. c. 25. 9 & 10 Geo. 5. c. 64. 10 & 11 Geo. 5. c. 5. 13 & 14 Geo. 5. c. 8.
(7) 6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Sections six, seven, and nine; subsection (7) of section thirteen; paragraph (3) of section twenty-two.	11 & 12 Geo. 5. c. 12.
(8) 6 & 7 Geo. 5. c. 55.	The Local Government (Emergency Provisions) (No. 2) Act, 1916.	The whole Act -	11 & 12 Geo. 5. c. 12.
(9) 7 & 8 Geo. 5. c. 19.	The Coroners (Emergency Provisions) Act, 1917.	The whole Act -	12 & 13 Geo. 5. c. 2.
(10) 8 & 9 Geo. 5. c. 23.	The Juries Act, 1918	Section seven -	12 & 13 Geo. 5. c. 2.

2ND SCH. —*cont.*

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(11) 8 & 9 Geo. 5. c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	So far as it relates to tramway undertakings.	10 & 11 Geo. 5. c. 14.
(12) 9 & 10 Geo. 5. c. 35.	The Housing, Town Planning, &c. Act, 1919.	Section twenty-five.	——
(13) 9 & 10 Geo. 5. c. 60.	The Housing, Town Planning, &c. (Scotland) Act, 1919.	Section twenty-two.	——
(14) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one.	——
(15) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Sections one and two.	12 & 13 Geo. 5. c. 52.
(16) 10 & 11 Geo. 5. c. 21.	The Harbours Docks and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act	12 & 13 Geo. 5. c. 23.
(17) 10 & 11 Geo. 5. c. 47.	The Ministry of Food (Continuance) Act, 1920.	So far as it authorises the making, or revoking in whole or in part, of Parts I. and III. of the Sale of Food Order, 1921, and provides for the enforcement and imposes penalties for the breach thereof.	——
(18) 10 & 11 Geo. 5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	——

2ND SCH. —*cont.*

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(19) 10 & 11 Geo. 5. c. 58.	The Shops (Early Closing) Act, 1920.	The whole Act -	11&12 Geo.5. c. 60.
(20) 11 & 12 Geo.5. c. 66.	The National Health Insurance (Prolongation of Insurance) Act, 1921.	The whole Act.	——
(21) 14 & 15 Geo.5. c. 10.	The National Health Insurance (Cost of Medical Benefit) Act, 1924.	Section three.	——
(22) 14 & 15 Geo.5. c. 38.	The National Health Insurance Act, 1924.	Section fifty-four.	——

PART II.

(23) 10 & 11 Geo. 5. c. 65.	The Employment of Women, Young Persons and Children Act, 1920.	Section two.	——

PART III.

(24) 12 & 13 Geo. 5. c. 27.	The Canals (Continuance of Charging Powers) Act, 1922.	The whole Act -	15 & 16 Geo.5. c. 2.

2ND SCH. —*cont.*

PART IV.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(25) 59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	The whole Act -	2 Edw. 7. c. 42. 7 Edw. 7. c. 13.
(26) 59 & 60 Vict. c. 37.	The Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896.	The whole Act -	60 & 61 Vict. c. 53. 7 Edw. 7. c. 13. 1 & 2 Geo. 5. c. 49.
(27) 13 & 14 Geo. 5. c. 39.	The Agricultural Rates Act, 1923.	The whole Act, except section fifteen.	15 Geo. 5. c. 10.

CHAPTER 77.

An Act to confirm and give effect to a certain Agreement amending and supplementing the Articles of Agreement for a Treaty between Great Britain and Ireland to which the force of law was given by the Irish Free State (Agreement) Act, 1922, and by the Constitution of the Irish Free State (Saorstat Eireann) Act, 1922.

[10th December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of Agreement.

1.—(1) The Agreement set forth in the Schedule to this Act, being an Agreement amending and supplementing the Articles of Agreement for a Treaty between

Great Britain and Ireland, to which the force of law was given by the Irish Free State (Agreement) Act, 1922, and by the Constitution of the Irish Free State (Saorstat Eireann) Act, 1922, is hereby confirmed, and the said Articles of Agreement for a Treaty and the Irish Free State (Agreement) Act, 1922, shall have effect accordingly. 12 Geo. 5. c. 4.

(2) The date as from which the powers in relation to Northern Ireland, which by the Government of Ireland Act, 1920, are made powers of the Council of Ireland, are to be transferred to the Parliament and Government of Northern Ireland, shall be the first day of April, nineteen hundred and twenty-six, and that day shall, in relation to the transfer of those powers, be the appointed day for the purposes of the Government of Ireland Act, 1920; and as from that day so much of the Government of Ireland Act, 1920, and the Irish Free State (Consequential Provisions) Act, 1922 (Session 2), as relates to the Council of Ireland is hereby repealed: 10 & 11 Geo. 5. c. 67. 13 Geo. 5. c. 2.

Provided that this repeal shall not affect the provisions of subsection (2) of section ten of the Government of Ireland Act, 1920, as modified by paragraph 3 of the First Schedule to the Irish Free State (Consequential Provisions) Act, 1922 (Session 2) with respect to the rates, fares, tolls, dues and other charges authorised to be charged by railway companies in Northern Ireland or the powers of the Railway and Canal Commission thereunder, until fresh provision is made by the Parliament of Northern Ireland with regard to the amount of any such rates, fares, tolls, dues and other charges.

2.—(1) This Act may be cited as the Ireland (Confirmation of Agreement) Act, 1925. Short title and commencement.

(2) This Act shall come into operation on the date on which the said Agreement is confirmed by Act of the Parliament of the Irish Free State, or if such an Act is passed before the passing of this Act shall come into operation on the passing of this Act.

SCHEDULE.

AGREEMENT AMENDING AND SUPPLEMENTING THE ARTICLES OF AGREEMENT FOR A TREATY BETWEEN GREAT BRITAIN AND IRELAND TO WHICH THE FORCE OF LAW WAS GIVEN BY THE IRISH FREE STATE (AGREEMENT) ACT, 1922, AND BY THE CONSTITUTION OF THE IRISH FREE STATE (SAORSTAT EIREANN) ACT, 1922.

WHEREAS on the sixth day of December nineteen hundred and twenty-one Articles of Agreement for a Treaty between Great Britain and Ireland were entered into:

And whereas the said Articles of Agreement were duly ratified and given the force of law by the Irish Free State (Agreement) Act, 1922, and by the Constitution of the Irish Free State (Saorstat Eireann) Act, 1922:

And whereas the progress of events and the improved relations now subsisting between the British Government, the Government of the Irish Free State, and the Government of Northern Ireland, and their respective peoples, make it desirable to amend and supplement the said Articles of Agreement, so as to avoid any causes of friction which might mar or retard the further growth of friendly relations between the said governments and peoples:

And whereas the British Government and the Government of the Irish Free State being united in amity in this undertaking with the Government of Northern Ireland, and being resolved mutually to aid one another in a spirit of neighbourly comradeship, hereby agree as follows:—

1. The powers conferred by the proviso to Article 12 of the said Articles of Agreement on the Commission therein mentioned are hereby revoked, and the extent of Northern Ireland for the purposes of the Government of Ireland Act, 1920, and of the said Articles of Agreement, shall be such as was fixed by subsection (2) of section one of that Act.

2. The Irish Free State is hereby released from the obligation under Article 5 of the said Articles of Agreement to assume the liability therein mentioned.

3. The Irish Free State hereby assumes all liability undertaken by the British Government in respect of malicious damage done since the twenty-first day of January nineteen hundred and nineteen to property in the area now under the jurisdiction of the Parliament and Government of the Irish Free State, and the Government of the Irish Free State shall repay to the British

Government, at such time or times and in such manner as may be agreed upon, moneys already paid by the British Government in respect of such damage, or liable to be so paid under obligations already incurred.

4. The Government of the Irish Free State hereby agrees to promote legislation increasing by ten per cent the measure of compensation under the Damage to Property (Compensation) Act, 1923, in respect of malicious damage to property done in the area now under the jurisdiction of the Parliament and Government of the Irish Free State between the eleventh day of July, nineteen hundred and twenty-one, and the twelfth day of May, nineteen hundred and twenty-three, and providing for the payment of such additional compensation by the issue of Five per Cent Compensation Stock or Bonds.

5. The powers in relation to Northern Ireland which by the Government of Ireland Act, 1920, are made powers of the Council of Ireland, shall be and are hereby transferred to and shall become powers of the Parliament and the Government of Northern Ireland; and the Governments of the Irish Free State and of Northern Ireland shall meet together as and when necessary for the purpose of considering matters of common interest arising out of or connected with the exercise and administration of the said powers.

6. This Agreement is subject to confirmation by the British Parliament and by the Oireachtas of the Irish Free State, and the Act of the British Parliament confirming this Agreement shall fix the date as from which the transfer of the powers of the Council of Ireland under this Agreement is to take effect.

Dated this 3rd day of December, 1925.

Signed on behalf of the British Government.	Signed on behalf of the Government of the Irish Free State.	Signed on behalf of the Government of Northern Ireland.
STANLEY BALDWIN.	LIAM T. MACCOSGAIR.	JAMES CRAIG.
WINSTON S. CHURCHILL.	KEVIN O'HIGGINS.	CHARLES H. BLACKMORE, Secretary to the Cabinet of Northern Ireland.
W. JOYNSON-HICKS.	EARNÁN DE BLAGHD.	
BIRKENHEAD.		
L. S. AMERY.		

CHAPTER 78.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-six, and to appropriate the further Supplies granted in this Session of Parliament. [22nd December 1925.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £10,100,000 out of the Consolidated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-six, the sum of ten million one hundred thousand pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole ten million one hundred thousand pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and twenty-six, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of sums voted for supply services.

3. All sums granted by this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by Schedule (A), in the aggregate, to the sum of ten million one hundred thousand pounds, are appropriated for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

Short title.

4. This Act may be cited for all purposes as the Appropriation (No. 2) Act, 1925.

ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A.)

Section 3

	£	s.	d.
Grants out of the Consolidated Fund - -	10,100,000	0	0

Section 3.

SCHEDULE (B.)—APPROPRIATION OF GRANTS.

1925–1926.	Supply Grants. £	s.	d.
Civil Services (Supplementary) 1925–26 -	10,100,000	0	0
Total - - - - - - -	10,100,000	0	0

SCHED. (A).

SCHEDULE (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

For the service of the year ending on the 31st day of March 1926 :—

	£	s.	d.
Under this Act - - - - - - -	10,100,000	0	0
Total - - - - - - -	10,100,000	0	0

SCHEDULE (B.)

CIVIL SERVICES (SUPPLEMENTARY), 1925–26.

Schedule of Supplementary Sums granted to defray the Charges for the Services herein particularly mentioned for the Year ending on the 31st day of March 1926, viz. :—

CIVIL SERVICES.

CLASS VI.	Supply Grants. Sums not exceeding
	£
For defraying the liability under the Government Guarantee in respect of any loss which may result from the holding of the British Empire Exhibition - - -	1,100,000
UNCLASSIFIED SERVICE.	
For a Subvention in Aid of Wages in the Coal Mining Industry - - - - -	9,000,000

CHAPTER 79.

An Act to impose customs duties on certain goods with a view to the safeguarding of certain industries, and for purposes connected therewith. [22nd December 1925.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, with a view to the safeguarding of certain special industries in the United Kingdom have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Customs duties on goods in Schedule.

1.—(1) During a period of five years from the commencement of this Act there shall be charged, levied, and paid on the importation into Great Britain or Northern Ireland of the articles specified in the first column of the First Schedule to this Act the duties of customs respectively specified in the second column of that Schedule.

(2) Where any articles to be charged with duty under this section are such Empire products as are entitled to preferential rates under section eight of the Finance Act, 1919, they shall, instead of being charged with duty at the full rate specified in the First Schedule to this Act, be charged with duty at a preferential rate equal to two-thirds of the full duty, in all respects as if the said articles and the said preferential rate were included in the Second Schedule to the Finance Act, 1919.

9 & 10 Geo. 5. c. 32.

(3) Where any article chargeable with duty under this Act is also chargeable with any other duties of customs, the highest duty only shall be charged.

(4) For the purposes of and in connection with the duties imposed by this Act, the enactments set out in the Second Schedule to this Act (which contain provisions relating to other duties of customs) shall have

effect as if they were re-enacted in this Act and in terms made applicable to the duties imposed by this Act.

Construction and short title. 39 & 40 Vict. c. 36.

2.—(1) This Act shall be construed together with the Customs (Consolidation) Act, 1876, and any enactments amending that Act.

(2) This Act may be cited as the Safeguarding of Industries (Customs Duties) Act, 1925.

SCHEDULES.

FIRST SCHEDULE.

Article.	Rate of duty.
Cutlery.	
Knives with one or more blades made wholly or partly of steel or iron, other than surgical knives or knives for use in machines	An amount equal to thirty-three and one-third per cent. of the value of the article.
Scissors, including tailors' shears and secateurs, made wholly or partly of steel or iron	
Safety razors and component parts thereof	
Razors, other than safety razors	
Carving forks	
Knife sharpeners wholly or partly of steel	
Handles, blades or blanks for any of the above-mentioned articles	
Gloves.	
Gloves made in whole or in part of leather or of fur, and leather or fur cut out ready for sewing into gloves, but not including gloves known as astrakhan gloves or gloves in which leather is used only as trimming or binding	An amount equal to thirty-three and one-third per cent. of the value of the article.
Gloves cut out of woven or knitted material consisting in whole or in part of cotton and sewn up and known as fabric gloves, and material for such gloves cut out ready for sewing	

1ST SCH. —*cont.*

Mantles for Incandescent Lighting.		
Mantles for incandescent lighting, whether collodionised or not	the gross	6*s.* 0*d.*
Impregnated hose or stockings for use in the manufacture of such mantles	the lb.	4*s.* 6*d.*

SECOND SCHEDULE.

ENACTMENTS APPLIED FOR PURPOSE OF DUTIES IMPOSED BY ACT.

S. 13 *of the Safeguarding of Industries Act*, 1921.

13. Subject to compliance with such conditions as to security for the re-exportation of the goods as the Commissioners may impose, this Act shall not apply to goods imported for exportation after transit through the United Kingdom or by way of transhipment.

S. 13 (5) *of Finance* (*No.* 2) *Act*, 1915.

(5) The Treasury may by order exempt any articles mentioned in the order which are liable to any new import duty from that duty if they are satisfied that, having regard to the small value of the article, it is inexpedient that the duty should be charged.

Ss. (2) *and* (3) *of s.* 6 *and ss.* 10 *and* 11 *of the Finance Act*, 1925.

6.—(2) If any goods chargeable with duty under this section are proved to the satisfaction of the Commissioners to be goods brought back into Great Britain or Northern Ireland after having been exported therefrom for the purpose of undergoing any process out of Great Britain or Northern Ireland, the value of the goods for the purposes of this section shall be taken to be their value as ascertained in accordance with the provisions of this Part of this Act after deducting therefrom such amount as is proved to the satisfaction of the Commissioners to have been the value of the goods at the time of exportation, together with freight and insurance outwards.

(3) If it is proved to the satisfaction of the Commissioners that duty has been paid under this section in respect of any

2ND SCH. —*cont.*

goods, and that the goods have not been used in Great Britain or Northern Ireland, a drawback equal to the amount of the duty so paid shall be allowed on the goods if exported as merchandise.

10.—(1) Where the rate of a duty of customs imposed by this Act on any article is a percentage of the value of the article, that value shall be taken to be the price which an importer would give for the article, if it were delivered, freight and insurance paid, in bond at the port of importation, and duty shall be paid on that value as fixed by the Commissioners.

(2) Any dispute arising as to the proper rate of duty payable under this Act shall, so far as any question of value is concerned, be referred to a referee to be appointed by the Lord Chancellor, and the decision of the referee shall be final and conclusive:

Provided that the person to be appointed as a referee shall not be an official of any Government department.

39 & 40 Vict. c. 36.

Sections thirty and thirty-one of the Customs Consolidation Act, 1876, shall, as respects any such dispute as to value, have effect as if an application for reference to a referee under this provision were substituted for the action or suit mentioned in those sections.

(3) The procedure on any such reference shall be such as may be determined by the referee.

42 & 43 Vict. c. 21.

11. Section six of the Customs and Inland Revenue Act, 1879, shall not apply to articles on which a duty of customs is charged by section three, section four or section six of this Act, and any such articles re-imported into Great Britain or Northern Ireland after exportation therefrom shall be exempt from duty if it is shown to the satisfaction of the Commissioners either that the article had not previously to exportation been imported into Great Britain or Northern Ireland at a time when a duty of customs was payable on articles of that class (whether under this Act or under the Finance (No. 2) Act, 1915), and had not previously to exportation been made in Great Britain or Northen Ireland at a time when an excise duty was payable on articles of that class, or, where duty was paid, that no drawback of duty was allowed on exportation, or that any drawback so allowed has been repaid to the Exchequer.

CHAPTER 80.

An Act to extend the period during which payments are to be made to the fund constituted under section twenty of the Mining Industry Act, 1920, and to increase the number of the committee appointed thereunder.

[22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Continuance of payments into welfare fund, and increase in number of committee. 10 & 11 Geo. 5. c. 50.

1. The period during which payments are to be made to the fund constituted under section twenty of the Mining Industry Act, 1920, shall be extended by five years, and the number of the committee constituted under that section shall be increased by two, of whom one shall be appointed by the Board of Trade after consultation with the Mining Association of Great Britain, and one shall be so appointed after consultation with the Miners Federation of Great Britain, and accordingly the aforesaid section shall have effect as if—

(*a*) in subsection (2) for "five years" there were substituted "ten years";

(*b*) in subsection (3) for "five persons" there were substituted "seven persons," for "of whom one" there were substituted "of whom two," and for "another" there were substituted "two."

Short title and extent.

2.—(1) This Act may be cited as the Mining Industry (Welfare Fund) Act, 1925, and the Mining Industry Act, 1920, and this Act may be cited together as the Mining Industry Acts, 1920 and 1925.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 81.

An Act to consolidate and regulate the law regarding the circuits of the High Court of Justiciary and the holding of circuit courts, and to amend the law relating to criminal procedure in Scotland in certain respects.

[22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to High Court of Justiciary to determine circuits, &c.

1.—(1) It shall be lawful for the Lords Commissioners of Justiciary by Act of Adjournal from time to time as to them shall seem necessary after consultation with the Lord Advocate—

(*a*) to alter the existing circuits of the High Court of Justiciary, to form new circuits, and to fix and determine the limits of each existing or new circuit, and the counties, portions of counties, cities or burghs, and districts which shall be included within the same;

(*b*) to detach any portion of the district exclusively attached to the said High Court sitting at Edinburgh from such district and to include the same in any adjoining circuit or to detach any district from an adjoining circuit and to include the same in the district exclusively attached to the said High Court sitting at Edinburgh;

(*c*) to fix and determine the number of circuit courts to be held and the places at which the same shall be held within each such circuit in each year, and to define the periods of the year at which such circuit courts shall be held and to alter the same as occasion shall require, and to appoint the particular dates of such courts and to appoint that any particular circuit courts in any circuit shall be for the trial of criminal cases only; and

(*d*) to make such provision as may be necessary for the carrying out of the powers hereinbefore conferred, including such modifications as may appear to be necessary in the existing statutory provisions for the preparing and keeping jury books and for making returns of and summoning jurors to serve on any assize for the trial of criminal cases.

(2) Every Act of Adjournal made in pursuance of this section shall be published in such manner as the Lords Commissioners of Justiciary shall direct, and shall take effect from the date thereof or from such other date as shall be specified therein.

(3) The Lords Commissioners of Justiciary shall hold such sittings for the trial of criminal cases from time to time as may be necessary on the requisition of the Lord Advocate. And every sitting of the High Court, whether under the existing law and practice or under this Act shall be a sitting of the High Court of Justiciary.

Procedure where accused person notifies after first diet intention to plead guilty. 50 & 51 Vict. c. 35.

2.—(1) Where a person accused who has pleaded not guilty at the first diet shall thereafter, at any time before the date appointed for the second diet, give written notice to the Crown Agent through his own procurator that he intends to plead guilty to the charge in whole or in part, and the Lord Advocate shall intimate to the Clerk of Justiciary that he is prepared to accept such plea, section forty-nine of the Criminal Procedure (Scotland) Act, 1887, shall apply to the case of such person in like manner as if he had pleaded guilty at the first diet, and where such person shall at the second diet tender a plea not in accordance with the notice, and such plea shall not be accepted by the prosecutor, section forty-one of the said Act shall apply in like manner as it applies to the case where the Court allows a plea of guilty to be withdrawn or modified.

(2) Sections forty-eight and fifty of the Criminal Procedure (Scotland) Act, 1887, shall apply wherever the number of persons indicted for any sitting of the High Court of Justiciary, who have neither pleaded guilty nor in whose cases such notice and intimation as is mentioned in the preceding subsection has been given, is such as to render the holding of a special or separate Court inexpedient or unnecessary:

Provided that in the said section fifty the words "presented within three days immediately succeeding "the first diet" shall be repealed.

Clerk to state charge and swear jury.

3. The following section shall be substituted for section fifty-four of the Criminal Procedure (Scotland) Act, 1887:—

"54. When a jury has been balloted the clerk of court shall inform the jury of the charge against the person accused either by reading the same in the words of the indictment (with the substitution of the third person for the second) or, if the presiding judge shall, because of the length or complexity of the indictment, so direct, by reading to the jury a summary of the charge approved by the judge; and the clerk of court shall thereafter administer the oath in common form; and it shall not be necessary to lay before the jury copies of the indictment, list of witnesses, or list of productions, but it shall nevertheless be competent to the presiding judge, if he shall so think fit, to direct that copies of the indictment (omitting so far as necessary to conform to the terms of section sixty-seven of this Act any reference to previous conviction and without any list of witnesses or of productions appended) shall be laid before the jury."

Repeal.

4. The enactments specified in the Schedule hereto are hereby repealed to the extent specified in the third column of the said schedule: Provided always that notwithstanding such repeal the arrangements presently existing regulating the limits of the circuits of the High Court of Justiciary, the number of circuit courts to be held annually in each such circuit, and the times and places for holding the same, and any other matters dealt with by section one of this Act shall continue in full force and effect until and except in so far as the same shall be altered by the said Lords Commissioners in pursuance of the powers conferred upon them by section one of this Act.

Short title.

5. This Act may be cited as the Circuit Courts and Criminal Procedure (Scotland) Act, 1925.

SCHEDULE.

Section 4.

Session and Chapter.	Title of Act.	Extent of Repeal.
6 Anne c. 40 -	The Union with Scotland (Amendment) Act, 1707.	Section four.
20 Geo. II. c. 43.	The Heritable Jurisdiction (Scotland) Act, 1746.	Section thirty-one, in section thirty-three from the words "or of such other circuit" to the words "hereinafter mentioned" and from the words "and that the burgh of Inveraray" to the end of the section. Section thirty-nine. Section forty, from the beginning to the words "hereinbefore made."
21 Geo. II. c. 19.	The Sheriffs (Scotland) Act, 1747.	Section thirteen.
9 Geo. IV. c. 29.	The Circuit Courts (Scotland) Act, 1828.	Sections one, three, and four
11 Geo. IV. & 1 Wm. IV. c. 37.	The Criminal Law (Scotland) Act, 1830.	Section three.
39 & 40 Vict. c. cliii.	(Local Act). An Act to alter the Justiciary District of the County of Peebles.	Section one.
50 & 51 Vict. c. 35.	The Criminal Procedure (Scotland) Act, 1887.	In section forty-six from the beginning of the section down to the words "shall be a "sitting of the High Court "of Justiciary and". In section fifty the words "presented within three "days immediately succeeding the first diet." Section fifty-four. Schedule P.

CHAPTER 82.

An Act to provide for the redemption of annual sums payable in respect of transfers of highways in police burghs under the Roads and Streets in Police Burghs (Scotland) Act, 1891, and for other purposes connected therewith.

[22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Redemption of annual sums payable in respect of transfers of highways under 54 & 55 Vict. c. 32.

1.—(1) Where in pursuance of the Roads and Streets in Police Burghs (Scotland) Act, 1891, the highways in any police burgh have been, or shall hereafter be, transferred to the town council of such burgh on terms, whether arrived at by agreement or settled by the sheriff, which provide for the payment by the town council to the county council of an annual sum, the town council shall redeem their liability to make such payment by making in accordance with the provisions of the following subsection the payments therein specified.

(2) In the case where the highways were transferred prior to the sixteenth day of May, nineteen hundred and twenty-four, the town council shall pay, not later than the fifteenth day of May, nineteen hundred and twenty-six, a capital sum equal to ten times the annual sum and in the case where the highways were or shall be transferred after the date first mentioned in this subsection, the town council shall pay, on the fifteenth day of May, nineteen hundred and twenty-six, or on the fifteenth day of May next ensuing after the date when terms providing for an annual payment have been agreed on or settled by the sheriff if that date be later than the fifteenth day of May, nineteen hundred and twenty-six, a capital sum equal to fifteen times the annual sum, and in any of the aforesaid cases the town council shall also pay to the county council any annual sum which may be due at the date of payment of the capital sum or such part of the annual sum as shall be proportionate to the

period between the date when the last preceding payment of the annual sum fell due and the date of payment of the capital sum.

Power to borrow.

2. A town council required to make a capital payment under the provisions of this Act may borrow the amount thereof on the security of the assessment imposed by them for the purposes of the Roads and Bridges (Scotland) Act, 1878, provided that any sum so borrowed shall be repaid within ten years or within fifteen years according as the capital sum is ten times or is fifteen times the annual sum in respect of which the capital payment is required to be made.

41 & 42 Vict. c. 51.

Repeal of s. 3 of 54 & 55 Vict. c. 32.

3. Section three of the Roads and Streets in Police Burghs (Scotland) Act, 1891, is hereby repealed.

Citation and construction.

4. This Act may be cited as the Roads and Streets in Police Burghs (Scotland) Act, 1925, and this Act and the Roads and Streets in Police Burghs (Scotland) Act, 1891, may be cited as the Roads and Streets in Police Burghs (Scotland) Acts, 1891 and 1925, and shall be construed together as one Act.

CHAPTER 83.

An Act to amend the provisions of the Government of India Act by exempting proposals for expenditure upon certain salaries, pensions and other payments from submission to Indian legislatures, and to enable rules made under the said Act relating to the Civil Services of the Crown in India to be dispensed with or relaxed in certain cases. [22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of ss. 67A and 72D of

1. Sections sixty-seven A and seventy-two D of the Government of India Act shall as from and after the thirty-first day of March, nineteen hundred and twenty-

Government of India Act.

four, have effect as though the following amendments were made therein:—

(1) In subsection (3) of the said section sixty-seven A (which relates to proposals for the appropriation of money which are not to be submitted to the vote of the Legislative Assembly) there shall be substituted for paragraphs (iii) and (iv) the following paragraphs:—

"(iii) Salaries and pensions payable to or to the dependants of—

(*a*) persons appointed by or with the approval of His Majesty or by the Secretary of State in Council;

(*b*) chief commissioners and judicial commissioners;

(*c*) persons appointed before the first day of April, nineteen hundred and twenty-four, by the Governor-General in Council or by a local government to services or posts classified by rules under this Act as superior services or posts; and

"(iv) Sums payable to any person who is or has been in the civil service of the Crown in India under any order of the Secretary of State in Council, of the Governor-General in Council, or of a governor, made upon an appeal made to him in pursuance of rules made under this Act."

(2) In subsection (3) of the said section seventy-two D (which relates to proposals for the appropriation of money which are not to be submitted to governors' legislative councils) there shall be substituted for paragraphs (iv) and (v) the following paragraphs:

"(iv) Salaries and pensions payable to or to the dependants of—

(*a*) persons appointed by or with the approval of His Majesty or by the Secretary of State in Council;

(*b*) judges of the high court of the province;

(*c*) the advocate-general;

(*d*) persons appointed before the first day of April, nineteen hundred and twenty-four, by the Governor-General in Council or by a local government to services or posts classified by rules under this Act as superior services or posts; and

"(v) Sums payable to any person who is or has been in the civil service of the Crown in India under any order of the Secretary of State in Council, of the Governor-General in Council, or of a governor, made upon an appeal made to him in pursuance of rules made under this Act."

(3) At the end of subsection (3) of each of the said sections sixty-seven A and seventy-two D the following provision shall be added:—

"For the purposes of this subsection the expression 'salaries and pensions' includes remuneration, allowances, gratuities, any contributions (whether by way of interest or otherwise) out of the revenues of India to any provident fund or family pension fund, and any other payments or emoluments payable to or on account of a person in respect of his office."

Amendment of s. 96B of Government of India Act.

2. At the end of section ninety-six B of the Government of India Act (which relates to the civil services in India) there shall be inserted the following subsection:—

"(5) No rules or other provisions made or confirmed under this section shall be construed to limit or abridge the power of the Secretary of State in Council to deal with the case of any person in the civil service of the Crown in India in such manner as may appear to him to be just and equitable, and any rules made by the Secretary of State in Council under subsection (2) of this section delegating the power of making rules may provide for dispensing with or relaxing the requirements of such rules to such extent and in such manner as may be prescribed:

Provided that where any such rule or provision is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or provision."

Amendment of s. 97 of Government of India Act.

3. In subsection (6) of section ninety-seven of the Government of India Act (which relates to the appointment to the Indian Civil Service of persons domiciled in India) the words "in Council" shall be inserted after the words "Secretary of State" where those words first occur.

Short title, construction and printing. 9 & 10 Geo. 5. c. 101.

4.—(1) This Act may be cited as the Government of India (Civil Services) Act, 1925.

(2) Subsection (2) of section forty-five of the Government of India Act, 1919 (which relates to the effect of amendments to and the printing of the Government of India Act) shall have effect as if it were herein re-enacted and in terms made applicable to the amendments effected by this Act.

CHAPTER 84.

An Act to consolidate the law relating to compensation to workmen for injuries suffered in the course of their employment.

[22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

COMPENSATION FOR INJURIES.

Right to Compensation.

Liability of employers to workmen for injuries.

1.—(1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the provisions hereinafter contained;

Provided that—

(*a*) The employer shall not be liable under this Act in respect of any injury which does not disable the workman for a period of at least three days from earning full wages at the work at which he was employed:

(*b*) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement, be disallowed.

(2) For the purposes of this Act, an accident resulting in the death or serious and permanent disablement of a workman shall be deemed to arise out of and in the course of his employment, notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the workman for the purposes of and in connection with his employer's trade or business.

(3) This Act shall apply notwithstanding any contract to the contrary, whether made before or after the commencement of this Act, except that where under this Act the provisions of a scheme are substituted for the provisions of this Act, the employer shall be liable only in accordance with the scheme.

Persons entitled to compensation.

2.—(1) The compensation shall be payable to or for the benefit of the workman, or, where death results from the injury, to or for the benefit of his dependants as provided by this Act.

(2) Where there are both total and partial dependants nothing in this Act shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

(3) Where a dependant dies before a claim under this Act is made, or if a claim has been made, before an agreement or award has been arrived at or made, the legal personal representative of the dependant shall have no right to payment of compensation, and the amount of compensation shall be calculated and apportioned as if that dependant had died before the workman.

Meaning of "workman."

3.—(1) In this Act, unless the context otherwise requires, the expression "workman," subject to the exceptions hereinafter mentioned, means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, is oral or in writing; and also includes a person engaged in plying for hire with any vehicle or vessel the use of which is obtained from the owner thereof under any contract of bailment (other than a hire purchase agreement) in consideration of the payment of a fixed sum or a share in the earnings or otherwise.

(2) The following persons are excepted from the definition of workman, that is to say—

(*a*) any person employed otherwise than by way of manual labour whose remuneration exceeds three hundred and fifty pounds a year; or

(*b*) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, not being a person employed for the purposes of any game or recreation and engaged or paid through a club; or

(*c*) a member of a police force; or

(*d*) an out worker; or

(*e*) a member of the employer's family dwelling in his house.

(3) If on any proceedings for the recovery of compensation under this Act it appears to the judge of county courts or other person by whom the claim to compensation is to be settled that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, he may, if having regard to all the circumstances of the case he thinks proper so to do, deal with the matter as if the injured person had at the time aforesaid been a person working under a valid contract of service or apprenticeship.

Dependants entitled to compensation.

4.—(1) The dependants of a workman entitled to claim compensation under this Act where the injury results in death are such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or

would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child and parent or grandparent respectively.

(2) A person shall not be deemed to be a partial dependant of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessaries of life suitable for persons in his class and position.

(3) In this Act unless the context otherwise requires the expression "Member of a family" means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister.

Meaning of "employer."

5.—(1) In this Act unless the context otherwise requires the expression "Employer" includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Act, be deemed to continue to be the employer of the workman whilst he is working for that other person.

(2) In relation to a person engaged in plying for hire with any vehicle or vessel, the use of which is obtained from the owner thereof under a contract of bailment, the owner of the vehicle or vessel shall, for the purposes of this Act, be deemed to be the employer.

(3) In relation to a person employed for the purposes of any game or recreation and engaged or paid through a club, the manager, or members of the managing committee, of the club shall, for the purposes of this Act, be deemed to be the employer.

Liability in case of workmen employed by contractors.

6.—(1) Where any person (in this section referred to as the principal), in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part

of any work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this Act which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this Act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed:

Provided that, where the contract relates to threshing, ploughing, or other agricultural work, and the contractor provides and uses machinery driven by mechanical power for the purpose of such work, he and he alone shall be liable under this Act to pay compensation to any workman employed by him on such work.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Act from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

Provision as to cases of bankruptcy of employer.

7.—(1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then, in the event of the employer becoming bankrupt, or making a composition or arrangement with his creditors, or, if the employer is a company, in the event of the company having commenced to be wound up or a receiver or manager of the company's business or undertaking having been duly appointed, or possession having been taken, by or on behalf of the holders of debentures secured by a floating charge, of any property comprised in or subject to the charge, the rights of the employer against the insurers as respects that liability shall, notwithstanding

anything in the enactments relating to bankruptcy and the winding-up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the bankruptcy or liquidation, or, as the case may be, he may recover the balance from the receiver or manager.

(3) There shall be included amongst the debts which—

(i) under section thirty-three of the Bankruptcy Act, 1914, and section one hundred and eighteen of the Bankruptcy (Scotland) Act, 1913, are in the distribution of the property or assets of a bankrupt, to be paid in priority to all other debts; 4 & 5 Geo. 5. c. 59 3 & 4 Geo. 5. c. 20.

(ii) under section two hundred and nine of the Companies (Consolidation) Act, 1908, are in the winding-up of a company to be paid in priority to all other debts; and 8 Edw. 7. c. 69.

(iii) under section one hundred and seven of the Companies (Consolidation) Act, 1908, are to be paid in priority to any claim for principal or interest in respect of debentures;

the amount due in respect of any compensation or liability for compensation accrued before the following date, that is to say:—

(*a*) In the first case the date of the receiving order;

(*b*) In the second case the date of the commencement of the winding up of the company;

(*c*) In the third case the date of the appointment of the receiver or of possession being taken mentioned in the said section one hundred and seven.

Where the compensation is a weekly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if the employer made an application for that purpose under this Act.

50 & 51 Vict. c. 43.

(4) In the case of the winding up of a company within the meaning of the Stannaries Act, 1887, such an amount as aforesaid, if the compensation is payable to a miner or the dependants of a miner, shall have the like priority as is conferred on wages of miners by section nine of that Act, and that section shall have effect accordingly.

(5) The provisions of this section with respect to preferences and priorities shall not apply where the bankrupt or the company has entered into such a contract with insurers as aforesaid.

(6) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

Amount of Compensation.

Amount in fatal cases.

8.—(1) The compensation under this Act where death results from the injury shall be a lump sum of an amount calculated in accordance with the rules hereinafter contained, together with, if the workman leaves a widow or other member of his family (not being a child under the age of fifteen) wholly or partially dependent upon his earnings, and in addition leaves one or more children under the age of fifteen so dependent, an additional sum (hereinafter referred to as the children's allowance) of an amount calculated in accordance with the rules hereinafter contained, so, however, that the lump sum and children's allowance (which shall be added together and dealt with as a single sum) shall not in any case exceed in the aggregate six hundred pounds.

(2) The lump sum shall be calculated in accordance with the following rules:—

(i) If the workman leaves any dependants wholly dependent on his earnings, the lump sum shall be a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of two hundred pounds, whichever of those sums is the larger, but not exceeding in any case three hundred pounds;

(ii) If the period of the workman's employment by the said employer has been less than the said three years, the amount of his earnings

during the said three years shall, for the purposes of the foregoing rule, be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer;

(iii) There shall be deducted from the sum as above calculated the amount of weekly payments (if any) made to the workman before his death so, however, as not to reduce the lump sum below two hundred pounds; and if such weekly payments have been redeemed under this Act, there shall also be deducted the amount paid in respect of the redemption thereof;

(iv) If the workman does not leave any dependants wholly dependent on his earnings, but leaves any dependants in part so dependent, the lump sum shall be such sum not exceeding in any case the amount payable under the foregoing rules as may be agreed upon or, in default of agreement, may be determined by arbitration under this Act to be reasonable and proportionate to the injury to the said dependants;

(v) If the workman leaves no dependants, the lump sum shall be an amount equal to the reasonable expenses of his medical attendance and burial, not exceeding fifteen pounds.

(3) The amount of the children's allowance shall be calculated in accordance with the following rules:—

(i) If both the widow or other member of the workman's family and such child or children as aforesaid were all wholly dependent on the workman's earnings, the children's allowance shall in respect of each such child be a sum equal to fifteen per cent. of the amount arrived at by multiplying the average weekly earnings of the workman, or where such earnings are less than one pound, then by multiplying one pound, or where such earnings exceed two pounds then by multiplying two pounds, by the number of weeks in the period between the death of the workman and the date when the

child will attain the age of fifteen, fractions of a week being disregarded;

(ii) If the widow or other member of the workman's family and such child or children as aforesaid, or any of them, were partially dependent on the workman's earnings, the children's allowance shall be such proportion of the sum which would have been payable under the foregoing rule if all such persons had been wholly dependent as may be agreed upon or in default of agreement as may, taking into consideration the amount of the lump sum, be determined by arbitration under this Act to be reasonable;

(iii) No deduction shall be made from the children's allowance in respect of the amount of any weekly payments which may have been made to the workman under this Act in respect of the same injury, but if such weekly payments have been redeemed the amount paid in redemption thereof, if and so far as it exceeds the lump sum payable, shall be deducted from the amount of the children's allowance as ascertained under the foregoing rules.

Amount in cases of total and partial incapacity.

9.—(1) The compensation under this Act where total or partial incapacity for work results from the injury shall be a weekly payment during the incapacity of an amount calculated in accordance with the rules hereinafter contained:

Provided that—

(*a*) if the incapacity lasts less than four weeks, no compensation shall be payable in respect of the first three days; and

(*b*) in fixing the amount of the weekly payment, regard shall be had to any payment, allowance, or benefit which the workman may receive from the employer during the period of his incapacity; and

(*c*) the weekly payment shall in no case exceed thirty shillings.

(2) The rules for calculating the weekly payment in the case of total incapacity shall be—

(i) The weekly payment shall subject to rule (ii) be a sum not exceeding fifty per cent. of the

workman's average weekly earnings during the previous twelve months, if he has been so long employed by the same employer, but if not, then for any less period during which he has been in the employment of the same employer:

(ii) Where the maximum weekly payment calculated according to rule (i) is less than twenty-five shillings, the workman shall be entitled during such total incapacity to a weekly addition equal to one-half of the difference between such maximum weekly payment and the sum of twenty-five shillings or his average weekly earnings, whichever is the less, and such addition shall, for all the purposes of this Act, be treated as if it were part of the weekly payment.

(3) The rules for calculating the weekly payment in the case of partial incapacity shall be—

(i) If the maximum weekly payment would, had the incapacity been total incapacity, have amounted to twenty-five shillings a week or upwards, the weekly payment in case of partial incapacity shall be one-half the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident:

(ii) If the maximum weekly payment would, had the incapacity been total incapacity, have amounted with such addition, if any, as is provided by rule (ii) in the case of total incapacity, to less than twenty-five shillings, the weekly payment in case of partial incapacity shall be a sum bearing the same proportion to the said difference as the said maximum weekly payment with such addition as aforesaid bears to the amount of the average weekly earnings of the workman before the accident.

(4) If a workman who has so far recovered from the injury as to be fit for employment of a certain kind proves to the satisfaction of the judge of the county court that he has taken all reasonable steps to obtain,

and has failed to obtain, such employment, and that his failure to obtain such employment is a consequence, wholly or mainly, of the injury, the judge shall order that his incapacity shall, for the purposes of this Act, continue to be treated as total incapacity for such period, and subject to such conditions, as may be provided by the order, without prejudice however to the right of review conferred by this Act:

Provided that every such order shall be made subject to the condition that it shall cease to be in force if the workman receives unemployment benefit.

Rules for determining earnings.

10. For the purposes of the provisions of this Act relating to "earnings" and "average weekly earnings" of a workman, the following rules shall be observed:—

(i) Average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated: Provided that where by reason of the shortness of the time during which the workman has been in the employment of his employer or the casual nature of the employment, or the terms of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard may be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district;

(ii) Where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident;

(iii) Employment by the same employer shall be taken to mean employment by the same employer

in the grade in which the workman was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause;

(iv) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed on him by the nature of his employment, the sum so paid shall not be reckoned as part of the earnings;

(v) Upon request of the workman to the employer liable to pay compensation, that employer shall furnish in writing a list of the earnings of that workman upon which the amount of the average weekly earnings may be calculated for the purpose of determining the amount of any weekly payment under this Act.

Reviews of weekly payments.

11.—(1) Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished, or increased, subject to the maximum hereinbefore in section nine provided, and the amount of payment shall, in default of agreement, be settled by arbitration under this Act.

(2) Where the workman was at the date of the accident under twenty-one years of age and the review takes place more than six months after the accident and before the workman attains the age of twenty-one years, the amount of the weekly payment may be increased to such an amount as would have been awarded if the workman had at the time of accident been earning the weekly sum which he would probably have been earning at the date of the review if he had remained uninjured.

(3) Where the review takes place more than six months after the accident, and it is claimed and proved that, had the workman remained uninjured and continued in the same class of employment as that in which he was employed at the date of the accident, his average weekly earnings during the twelve months immediately preceding the review would, as a result of fluctuations in rates of remuneration, have been greater or less by more than twenty per cent. than his average weekly earnings during the twelve months previous to the accident (or if

the weekly payment has been previously varied on a review during the twelve months previous to that review or the last of such reviews), the weekly payment shall be varied so as to make it such as it would have been if the rates of remuneration obtaining during the twelve months previous to the review had obtained during the twelve months previous to the accident.

For the purposes of this subsection "review" includes a review under the provision of any Act repealed by this Act corresponding to this section.

Limitation of power of employer to end or diminish weekly payments.

12. An employer shall not be entitled otherwise than in pursuance of an agreement or arbitration to end or diminish a weekly payment except in the following cases:—

(1) where a workman in receipt of a weekly payment in respect of total incapacity has actually returned to work;

(2) where the weekly earnings of a workman in receipt of a weekly payment in respect of partial incapacity have actually been increased;

(3) where the medical practitioner who has examined the workman under section eighteen of this Act has certified that the workman has wholly or partially recovered, or that the incapacity is no longer due in whole or in part to the accident, and a copy of the certificate (which shall set out the grounds of the opinion of the medical practitioner) together with notice of the intention of the employer at the expiration of ten clear days from the date of the service of the notice to end the weekly payment, or to diminish it by such amount as is stated in the notice, has been served by the employer upon the workman:

Provided that—

(i) in the last-mentioned case, if before the expiration of the said ten clear days the workman sends to the employer the report of a duly qualified medical practitioner (which report shall set out the grounds of his opinion) disagreeing with the certificate so served by the employer, the weekly payment shall not be ended or diminished, except in accordance with such report, or if and so far as the employer

disputes such report, except in accordance with the certificate given by the medical referee in pursuance of section nineteen of this Act; and

(ii) where an application has been made in pursuance of the said section nineteen to refer the dispute to a medical referee, it shall be lawful for the employer, pending the settlement of the dispute, to pay into court—

(*a*) where the notice was a notice to end the weekly payment, the whole of each weekly payment becoming payable in the meantime;

(*b*) where the notice was a notice to diminish the weekly payment, so much of each weekly payment so payable as is in dispute;

and the sums so paid into court shall, on the settlement of the dispute, be paid to the employer or to the workman according to the effect of the certificate of the medical referee, or, if the effect of that certificate is disputed, as in default of agreement may be determined by the registrar or, on appeal, the judge;

(iii) nothing in this section shall be construed as authorising an employer to end or diminish a weekly payment in any case in which, or to an extent to which, apart from this section, he would not be entitled to do so.

Redemption of weekly payments.

13. Where any weekly payment has been continued for not less than six months, the liability therefor may, on application by or on behalf of the employer, be redeemed by the payment of a lump sum of such an amount as, where the incapacity is permanent, would, if invested in the purchase of an immediate life annuity from the National Debt Commissioners through the Post Office Savings Bank, purchase an annuity for the workman equal to seventy-five per cent. of the annual value of the weekly payment, and as in any other case may be settled by arbitration under this Act; and such lump sum may be ordered by the committee or arbitrator

or judge of the county court to be invested or otherwise applied for the benefit of the person entitled thereto:

Provided that—

(*a*) nothing in this section shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum; and

(*b*) the provisions of this section which fix the amount of the lump sum for which a weekly payment may be redeemed where the incapacity is permanent, shall not apply in the case where the injured workman is at the date of the application under twenty-one years of age, and where, in the case of an injured workman under the age of twenty-one, the lump sum for which the weekly payment may be redeemed is determined by arbitration, the right which if the redemption did not take place the workman would have to have the weekly payment increased on a review under subsection (2) of section eleven of this Act shall be taken into account.

Conditions of Compensation.

Requirements as to notice of accident and claim for compensation.

14.—(1) Proceedings for the recovery under this Act of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or, in case of death, within six months from the time of death:

Provided that—

(*a*) the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident, or if it is found in the

proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake, absence from the United Kingdom, or other reasonable cause; and

(*b*) the failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from the United Kingdom, or other reasonable cause.

(2) Notice in respect of an injury under this Act may be given either in writing or orally to the employer (or if there is more than one employer to one of such employers) or to any foreman or other official under whose supervision the workman is employed, or to any person designated for the purpose by the employer, and shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened.

(3) The notice if in writing may be given by delivering the same at, or sending it by post in a registered letter addressed to, the residence or place of business of the person to whom it is to be given.

(4) Where the employer is a body of persons, corporate or unincorporate, the notice, if in writing, may also be given by delivering it or by sending it by post in a registered letter addressed to the employer, at the office, or, if there be more than one office, any one of the offices, of such body.

Special provisions as to notice of accident in mines, factories, &c.

15.—(1) There shall be kept constantly posted up in some conspicuous place at or near every mine, quarry, factory or workshop where it may be conveniently read by the persons employed, a summary, in such form as may be prescribed, of the requirements of this Act, with regard to the giving of notice of accidents and the making of claims and the procedure to be followed in the case of industrial diseases, and, in the event of such

summary becoming effaced, obliterated or destroyed, it shall be renewed with all reasonable dispatch.

In the event of any non-compliance with the provisions of this subsection the owner, agent or manager of the mine or quarry or the occupier of the factory or workshop shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds, and any such proceedings may be instituted by an inspector of mines or factories.

(2) The want of, or any defect or inaccuracy in, the notice of an accident required by the last preceding section of this Act shall not be a bar to the maintenance of proceedings for the recovery of compensation under this Act where the employer is the owner of a mine or quarry or the occupier of a factory or workshop—

(*a*) if such summary as aforesaid has not been posted up in accordance with the provisions of this section; or

(*b*) if the accident has been reported by or on behalf of the employer to an inspector of mines or factories; or

(*c*) if the accident has been entered in any register of accidents kept by or on behalf of the employer at the mine, quarry, factory or workshop; or

(*d*) if the injury has been treated in an ambulance room at the mine, quarry, factory or workshop.

(3) For facilitating the giving of notice of accidents for the purposes of this Act, a book in the prescribed form shall be kept at every mine, quarry, factory or workshop, in which the prescribed particulars of accidents happening to persons employed at the mine, quarry, factory or workshop may be entered by the injured workman or some other person acting on his behalf, and an entry in such book, if made as soon as practicable after the happenings of the accident, shall be sufficient notice of the accident for the purposes of this Act.

The book shall be kept at such place as to be readily accessible at all reasonable times to any injured workman who was employed at the mine, quarry, factory or workshop, and any person bonâ fide acting on his behalf.

If in the case of any mine, quarry, factory or workshop the provisions of this subsection are not complied with, the mine, quarry, factory or workshop shall be deemed not to be managed or kept in conformity with the enactments relating thereto.

(4) For the purposes of this section, the expression "factory or workshop" shall include any works or premises to which any of the provisions of the Factory and Workshops Acts, 1901 to 1920, apply; and the expression "prescribed" means prescribed by the Secretary of State.

Conditions as to residence.

16.—(1) If a workman receiving a weekly payment ceases to reside in the United Kingdom, the Channel Islands, or the Isle of Man, he shall thereupon cease to be entitled to receive any weekly payment, unless the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature.

(2) If the medical referee so certifies, the workman shall be entitled to receive quarterly the amount of the weekly payments accruing due during the preceding quarter so long as he proves, in such manner and at such intervals as may be prescribed by rules of court, his identity and the continuance of the incapacity in respect of which the weekly payment is payable.

Conditions as to submission to medical examination in first instance.

17. Where a workman has given notice of an accident, or where an accident has occurred in respect of which the necessity of giving notice under this Act is dispensed with, he shall, if so required by the employer, submit himself for examination by a duly qualified medical practitioner provided and paid by the employer, and, if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation, and to take or prosecute any proceeding under this Act in relation to compensation, shall be suspended until such examination has taken place.

Periodical submission to medical examination.

18. Any workman receiving weekly payments under this Act shall, if so required by the employer, from time to time submit himself for examination by a duly qualified medical practitioner provided and paid by the employer. If the workman refuses to submit himself to such examination, or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

Provisions as to submission to medical examination.

19.—(1) A workman shall not be required to submit himself for examination by a medical practitioner under either of the two last preceding sections otherwise than in accordance with regulations made by the Secretary of State, or at more frequent intervals than may be prescribed by those regulations.

(2) Where a workman has so submitted himself for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the workman, as the case may be, has within six days after such examination furnished the other with a copy of the report of that practitioner as to the workman's condition, then, in the event of no agreement being come to between the employer and the workman as to the workman's condition or fitness for employment, the registrar of a county court, on application being made to the court by both parties, or, subject to appeal to the judge, by one of the parties, may refer the matter to a medical referee:

Provided that where the application is made by only one of the parties, the registrar, or on appeal the judge, if he is of opinion that, owing to the exceptional difficulty of the case or for any other sufficient reason, the matter ought to be settled in default of agreement by arbitration, shall refuse to allow the reference.

(3) The medical referee to whom the matter is so referred shall, in accordance with regulations made by the Secretary of State, give a certificate as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and that certificate shall be conclusive evidence as to the matters so certified.

(4) Where no agreement can be come to between the employer and the workman as to whether or to what extent the incapacity of the workman is due to the accident, the provisions of this section shall, subject to any regulations made by the Secretary of State, apply as if the question were a question as to the condition of the workman.

(5) If a workman, on being required so to do, refuses to submit himself for examination by a medical referee to whom the matter has been so referred as aforesaid,

or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation, or, in the case of a workman in receipt of a weekly payment, his right to that weekly payment, shall be suspended until such examination has taken place.

(6) Rules of court may be made for prescribing the manner in which documents are to be furnished or served and applications made under this section and the forms to be used for those purposes.

Provision as to suspension of right to compensation.

20. Where under this Act a right to compensation is suspended no compensation shall be payable in respect of the period of suspension.

Procedure for determining Compensation and settling Questions.

Procedure for settling questions.

21.—(1) If any question arises in any proceedings under this Act as to the liability to pay compensation under this Act (including any question as to whether the person injured is a workman to whom this Act applies), or as to the amount or duration of compensation under this Act, or, except as otherwise expressly provided, to the right to or amount of any indemnity under this Act, the question, if not settled by agreement, shall, subject to the provisions of this Act, be settled by the arbitration of a representative committee, or of an arbitrator, or of a judge of county courts in accordance with the First Schedule to this Act.

(2) Any question as to who is a dependant shall, in default of agreement, be settled by arbitration under this Act, or, if not so settled before payment into court under this Act, shall be settled by the county court, and the amount payable to each dependant shall be settled by arbitration under this Act, or, if not so settled before payment into court under this Act, by the county court.

Power to vary awards.

22. Where, on application being made in accordance with rules of court, it appears to a county court that, on account of neglect of children on the part of a widow, or on account of the variation of the circumstances of the various dependants, or for any other sufficient cause, an order of the court or an award as to the apportionment

amongst the several dependants of any sum paid as compensation, or as to the manner in which any sum payable to any such dependant is to be invested, applied, or otherwise dealt with, ought to be varied, the court may make such order for the variation of the former order or the award, as in the circumstances of the case the court may think just.

Registration of agreements and awards.

23.—(1) Where the amount of compensation under this Act has been ascertained, or any weekly payment varied, or any other matter decided under this Act, either by a committee or by an arbitrator or by agreement, a memorandum thereof shall be sent, in manner prescribed by rules of court, by the committee or arbitrator, or by any party interested, to the registrar of the county court, who shall, subject to such rules and subject to the provisions hereinafter contained, on being satisfied as to its genuineness, record such memorandum in a special register, and thereupon the memorandum shall for all purposes be enforceable as a county court judgment:

Provided that—

(*a*) no such memorandum shall be recorded before seven days after the despatch by the registrar of notice to the parties interested; and

(*b*) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation under this Act and the employer, in accordance with rules of court, proves that the workman has in fact returned to work and is earning the same wages as he did before the accident, and objects to the recording of such memorandum, the memorandum shall only be recorded, if at all, on such terms as the judge of the county court, under the circumstances, may think just.

(2) The judge of the county court may at any time rectify the register.

(3) Where a memorandum of an agreement for the payment of a lump sum is so sent for registration, the registrar, and if in pursuance of this Act the matter

is referred to the judge, the judge of the county court, shall have power, in accordance with rules of court,—

(*a*) to require either party to the agreement to furnish him either orally or in writing with such information as he may consider necessary, or to require the attendance of any of the parties to the agreement before him;

(*b*) when the information as to the workman's condition appears to him to be insufficient or conflicting, to require a report as to the workman's condition to be obtained from a medical referee;

and in the event of either of the parties failing to comply with any such requirement of the registrar, the registrar may refuse to record the memorandum and refer the matter to the judge, who shall have power to make such order as he may in the circumstances think just.

(4) Where it appears from any such report of a medical referee that the prospects of the workman's recovery from incapacity cannot as yet be approximately determined, the registrar, or on appeal the judge, may refuse to record the memorandum.

(5) Any agreement for the payment of a lump sum shall disclose the amount (if any) paid or payable under or in respect of the agreement by the employer to the solicitor of the workman or his dependants as costs, and, if it appears to the registrar that the amount is excessive, the registrar may direct that the bill of costs be submitted to him for taxation, and thereupon the registrar shall, subject to review by the judge, tax such costs in accordance with rules of court; and if the costs are reduced on such taxation, the amount of such reduction shall either be applied or dealt with for the benefit of the workman or his dependants, or paid to the employer, or otherwise dealt with as the judge may direct.

(6) The approved society or committee by which sickness or disablement benefit under the National Insurance Act, 1924, payable to the workman is administered, shall be entitled to send to the registrar objections to the registration of an agreement for the payment of a lump sum, and, in the event of the attendance of any of the parties to the agreement being required, shall be

14 & 15 Geo. 5. c. 38.

entitled to appear before the registrar, or, if the matter is referred to the judge, before the judge.

(7) Rules of court may be made providing that in any case where in connection with an application for the registration of any such agreement as aforesaid there is a hearing before the registrar or the judge, or a report from the medical referee is required to be obtained, the registrar or judge shall have the power of awarding costs.

Registration of composition agreements.

24. Where the person against whom a claim for compensation is made under this Act disputes his liability to pay compensation, but makes an agreement (in this Act referred to as a composition agreement) whereby in consideration of the payment of a lump sum the claim for such compensation purports to be precluded, the agreement shall be sent for registration in like manner and subject to the like conditions as in the case of an agreement for the redemption of a weekly payment by a lump sum.

Invalidity of certain agreements unless registered.

25.—(1) An agreement as to the redemption of weekly payments by a lump sum, if not registered in accordance with this Act, shall not, nor shall the payment of the sum payable under the agreement, exempt a person by whom the weekly payment is payable from liability to continue to make that weekly payment, unless he proves that the failure to register was not due to any neglect or default on his part.

(2) An agreement as to the amount of compensation to be paid to a person under a legal disability or to dependants, if not registered in accordance with this Act shall not, nor shall the payment of the sum payable under the agreement, exempt a person by whom the compensation is payable from liability to pay compensation unless he proves that the failure to register was not due to any neglect or default on his part.

(3) A composition agreement if not registered in accordance with this Act shall not, nor shall the payment of any sum payable thereunder, exempt the employer from liability under this Act.

(4) Where it appears to the registrar of the county court on any information which he considers sufficient

that an agreement to which this section applies ought not to be registered by reason of the inadequacy of the sum or amount agreed to be paid, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement sent to him for registration and refer the matter to the judge, who shall in accordance with rules of court make such order (including an order as to any sum already paid under the agreement) as in the circumstances he may think just:

Provided that in the case of a composition agreement in determining whether or not the sum agreed to be paid under the agreement is adequate the registrar, or if the matter is referred to the judge, the judge, shall have regard to the question whether or not liability to pay compensation under this Act is doubtful.

(5) The judge may within six months after a memorandum of an agreement to which this section applies has been recorded in the register order that the record be removed from the register on proof to his satisfaction that the agreement has been obtained by fraud or undue influence or other improper means, and may make such order (including an order as to any sum already paid under the agreement) as in the circumstances he may think just.

Payments into court.

26.—(1) The compensation payable in the case of death shall, unless otherwise ordered, as hereinafter provided, be paid into the county court:

Provided that if so agreed the compensation in the case of death shall, if the workman leaves no dependants, be paid to his legal personal representative or, if he has no such representative, to the person to whom the expenses of medical attendance and burial are due.

(2) Where a weekly payment is payable under this Act to a person under any legal disability, the county court may, on an application being made in accordance with rules of court, order that the weekly payment be paid during the disability into court.

(3) The provisions of the Second Schedule to this Act shall have effect with respect to money paid into

court under this Act and the application and investment thereof.

Provisions as to county courts.

27.—(1) Where any matter under this Act is to be done in a county court, or by, to, or before the judge or registrar of a county court, then, unless the contrary intention appear, the same shall, subject to rules of court, be done in, or by, to, or before the judge or registrar of, the county court of the district in which all the parties concerned reside, or if they reside in different districts the district prescribed by rules of court, without prejudice to any transfer in manner provided by rules of court.

(2) The duty of a judge of county courts under this Act, or in England of an arbitrator appointed by him, shall, subject to rules of court, be part of the duties of the county court, and the officers of the court shall act accordingly, and rules of court may be made both for any purpose for which this Act authorises rules of court to be made, and also generally for carrying into effect this Act so far as it affects the county court, or an arbitrator appointed by the judge of the county court, and proceedings in the county court or before any such arbitrator, and such rules may, in England, be made by the five judges of county courts appointed for the making of rules under section one hundred and sixty-four of the County Courts Act, 1888, and when allowed by the Lord Chancellor, as provided by that section, shall have full effect without any further consent.

51 & 52 Vict. c. 43.

Extension of power of representative committees.

28. The Secretary of State may, by order, either unconditionally or subject to such conditions or modifications as he may think fit, confer on any committee representative of an employer and his workmen, as respects any matter in which the committee act as arbitrators, or which is settled by agreement submitted to and approved by the committee, all or any of the powers conferred by this Act exclusively on county courts or judges of county courts, and may by the order provide how and to whom the compensation money is to be paid in cases where, but for the order, the money would be required to be paid into court, and the order may exclude from the operation of subsections (4) and (5) of section twenty-five of this Act agreements sub-

mitted to and approved by the committee, and may contain such incidental, consequential, or supplemental provisions as may appear to the Secretary of State to be necessary or proper for the purposes of the order.

Alternative remedies, &c.

Remedies independently of Act against employer.

29.—(1) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Act shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Act or take proceedings independently of this Act; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this Act, and shall not be liable to any proceedings independently of this Act, except in case of such personal negligence or wilful act as aforesaid.

(2) If, within the time hereinbefore limited for taking proceedings under this Act, an action is brought to recover damages independently of this Act for injury caused by an accident, and it is determined in such action or on appeal that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed; but the court in which the action is tried, or, if the determination is the determination (on an appeal by either party) by an appellate tribunal, that tribunal, shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs, which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act. In any proceeding under this subsection, when the court or appellate tribunal assesses the compensation, it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction of costs, and such certificate shall have the force and effect of an award under this Act :

Provided that an appellate tribunal may, instead of itself assessing such compensation, remit the case to the county court for the assessment of the compensation, and in such case may order the county

court to deduct from the amount of compensation assessed by it all or part of such costs as aforesaid.

Remedies both against employer and stranger.

30. Where the injury for which compensation is payable under this Act, or any scheme certified under this Act, was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

(1) The workman may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Act or such scheme for such compensation, but shall not be entitled to recover both damages and compensation; and

(2) If the workman has recovered compensation under this Act or such scheme, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under section six of this Act relating to liability in case of workmen employed by contractors, shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall, in default of agreement, be settled by action, or, by consent of the parties, by arbitration under this Act.

Substitution of liability under scheme for liability under Act.

31.—(1) If the Registrar of Friendly Societies, after taking steps to ascertain the views of the employer and workmen, certifies—

(*a*) that any scheme of compensation, benefit or insurance for the workmen of an employer in any employment, whether or not such scheme includes other employers and their workmen, provides scales of compensation not less favourable to the workmen and their dependants than the corresponding scales contained in this Act, and

(*b*) that, where the scheme provides for contributions by the workmen, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this Act; and

(c) that a majority (to be ascertained by ballot) of the workmen to whom the scheme is applicable are in favour of such scheme;

the employer may, whilst the certificate is in force, contract with any of his workmen that the provisions of the scheme shall be substituted for the provisions of this Act, and thereupon the employer shall be liable in respect of those workmen only in accordance with the scheme.

(2) The Registrar may give a certificate to expire at the end of a limited period of five years, and may from time to time renew with or without modifications such a certificate to expire at the end of the period for which it is renewed.

(3) No scheme shall be so certified which contains an obligation upon the workmen to join the scheme as a condition of their hiring, or which does not contain provisions enabling a workman to withdraw from the scheme.

(4) The Registrar shall not certify, or renew a certificate of, any such scheme unless he is satisfied that adequate provision is made to secure the discharge of liabilities arising under the scheme, both during the currency of the scheme and after the scheme is revoked or expires, so far as there may be any liabilities outstanding at the date of revocation or expiry.

(5) If complaint is made to the Registrar by or on behalf of the workmen of any employer that the benefits conferred by any scheme no longer conform to the conditions stated in subsection (1) of this section, or that the provisions of such scheme are being violated, or that the scheme is not being fairly administered, or that satisfactory reasons exist for revoking the certificate, the Registrar shall examine into the complaint, and, if satisfied that good cause exists for such complaint, shall, unless the cause of complaint is removed, revoke the certificate.

(6) When a certificate is revoked or expires, any moneys or securities held for the purpose of the scheme shall, after due provision has been made to discharge the liabilities already accrued, be distributed as may be arranged between the employer and workmen, or as may

be determined by the Registrar in the event of a difference of opinion.

(7) Whenever a scheme has been certified as aforesaid, it shall be the duty of the employer to answer all such inquiries and to furnish all such accounts in regard to the scheme as may be made or required by the Registrar.

(8) Where a scheme certified under this Act provides for payment of compensation by a friendly society, the provisions of the proviso to the first subsection of section eight, section sixteen, and section forty-one of the Friendly Societies Act, 1896, shall not apply to such society in respect of such scheme.

(9) The Chief Registrar of Friendly Societies shall include in his annual report the particulars of the proceedings of the Registrar under this Act.

(10) The Chief Registrar of Friendly Societies may make regulations for the purpose of carrying this section into effect.

Saving as respects fines under Mines and Factories Acts.

32. Nothing in this Act shall affect any proceeding for a fine under the enactments relating to mines, factories or workshops, or the application of any such fine.

Application to special Classes of Persons.

Application to workmen in employment of Crown.

33.—(1) This Act shall not apply to persons in the naval or military or air service of the Crown, but otherwise shall apply to workmen employed by or under the Crown to whom this Act would apply if the employer were a private person:

Provided that in the case of a person employed in the private service of the Crown, the head of that department of the Royal Household in which he was employed at the time of the accident shall be deemed to be his employer.

(2) The Treasury may, by warrant laid before Parliament, modify for the purposes of this Act their warrant made under section one of the Superannuation Act, 1887, and notwithstanding anything in that Act, or any such warrant, may frame schemes with a view to

50 & 51 Vict. c. 67.

their being certified by the Registrar of Friendly Societies under this Act.

Application to men being trained or engaged in rescue work in mines. 1 & 2 Geo. 5. c. 50.

34.—(1) When provision has been made in pursuance of regulations under the Coal Mines Act, 1911, or under any order which has effect as if made under that Act, for the formation or training of a rescue brigade, any accident caused to a workman employed in or about a mine to which that Act applies, who is with the consent of his employer being trained as a member of the rescue brigade, and arising out of and in the course of his training, shall, for the purposes of this Act, be deemed to arise out of and in the course of his employment in the mine.

(2) Any workman engaged in any rescue work or ambulance work at any such mine shall, for the purposes of this Act, be deemed while so engaged to be employed by the owner of the mine, as defined by the Coal Mines Act, 1911.

Application of Act to person employed on ships.

35.—(1) This Act shall apply to masters, seamen and apprentices to the sea service and apprentices in the sea-fishing service, provided that such persons are workmen within the meaning of this Act, and are members of the crew of any ship registered in the United Kingdom, or of any other British ship or vessel of which the owner, of (if there is more than one owner) the managing owner, or manager resides or has his principal place of business in the United Kingdom, subject to the following modifications:—

(*a*) The notice of accident and the claim for compensation may, except where the person injured is the master, be given to the master of the ship as if he were the employer, but where the accident happened and the incapacity commenced on board the ship it shall not be necessary to give any notice of the accident:

(*b*) The provisions of subsection (1) of section fifteen of this Act (other than those relating to the institution of proceedings by an inspector of mines or factories) shall apply to ships and the masters thereof in like manner as it applies to factories and the occupiers thereof:

(*c*) In the case of the death of the master, seaman or apprentice, the claim for compensa-

tion shall be made within six months after news of the death has been received by the claimant:

(*d*) Where an injured master, seaman or apprentice is discharged or left behind in a British possession or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any judge or magistrate in the British possession, and by any British consular officer in the foreign country, and if so taken shall be transmitted by the person by whom they are taken to the Board of Trade, and such depositions or certified copies thereof shall in any proceedings for enforcing the claim be admissible in evidence as provided by sections six hundred and ninety-one and six hundred and ninety-five of the Merchant Shipping Act, 1894, and those sections shall apply accordingly:

57 & 58 Vict. c. 60.

(*e*) In the case of the death of a master, seaman or apprentice, leaving no dependants, no compensation shall be payable, if the owner of the ship is under the Merchant Shipping Act, 1894, liable to pay the expenses of burial:

(*f*) The weekly payment shall not be payable in respect of the period during which the owner of the ship is, under the Merchant Shipping Act, 1894, as amended by any subsequent enactment, or otherwise, liable to defray the expenses of maintenance of the injured master, seaman or apprentice:

(*g*) Any sum payable by way of compensation by the owner of a ship under this Act shall be paid in full notwithstanding anything in section five hundred and three of the Merchant Shipping Act, 1894 (which relates to the limitation of a shipowner's liability in certain cases of loss of life, injury or damage), but the limitation on the owner's liability imposed by that section shall apply to the amount recoverable by way of indemnity under section thirty of this Act (relating to remedies both against employer and stranger) as if the indemnity were damages for loss of life or personal injury:

(*h*) Subsections (2) and (3) of section one hundred and seventy-four of the Merchant Shipping Act, 1894 (which relates to the recovery of wages of seamen lost with their ship), shall apply as respects proceedings for the recovery of compensation by dependants of masters, seamen and apprentices lost with their ship as they apply with respect to proceedings for the recovery of wages due to seamen and apprentices; and proceedings for the recovery of compensation shall in such a case be maintainable if the claim is made within eighteen months of the date at which the ship is deemed to have been lost with all hands.

(2) This Act shall not apply to such members of the crew of a fishing vessel as are remunerated wholly or mainly by shares in the profits or the gross earnings of the working of such vessel, except in such cases and subject to such modifications as the Secretary of State may by order provide:

Provided that no such order shall come into force until it has been laid before each House of Parliament for a period of not less than twenty-one days during which the House has sat, and, if either House before the expiration of those twenty-one days presents an address to His Majesty against the order or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new order.

(3) This section shall extend to pilots to whom the Pilotage Act, 1913, applies, as if a pilot when employed on any such ship as aforesaid were a seaman and a member of the crew. 2 & 3 Geo. 5. c. 31.

(4) This Act shall also apply to any person, not being a master, seaman or apprentice to the sea service or the sea fishing service, employed on board any such ship as is mentioned in this section, if he is so employed for the purposes of the ship or of any passengers or cargo or mails carried by the ship, and if he is otherwise a workman within the meaning of this Act.

Power to extend Act to aircraft out-

36.—(1) The Secretary of State may by order extend the provisions of this Act, subject to such modifications and exceptions as may be specified in the order, to such persons, being workmen within the

side Great Britain.

meaning of this Act, employed as pilot, commander, navigator, or member of the crew of any aircraft to which this section applies when outside Great Britain, in such circumstances as may be specified in the order.

(2) The aircraft to which this section applies are aircraft registered in the United Kingdom the owner of which resides or has his principal place of business in Great Britain.

(3) An order under this section shall not come into force until it has been laid before each House of Parliament for a period of not less than twenty-one days during which that House has sat, and if during that period either House presents an address to His Majesty against the order or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of a new order.

Power to make Orders in Council for giving effect to conventions with Foreign States.

37.—(1) For the purpose of giving effect to any Convention with a Foreign State providing for reciprocity in matters relating to compensation to workmen for injuries by accident, it shall be lawful for His Majesty by Order in Council to make provision—

(*a*) for modifying this Act in its application to cases affected by the Convention, so, however, as not to alter the amount of compensation in any case to which this Act may apply;

(*b*) for determining, in cases where rights to compensation accrue both under this Act and under the law of the State with which the Convention is made, under the law of which country the workman shall be entitled to recover compensation;

(*c*) for conferring on county courts powers for the admission of evidence taken abroad and the procuring and taking of evidence for use abroad, or otherwise for the purpose of facilitating proceedings for the recovery of compensation under the respective laws of the two countries.

(2) If the Convention extends to Northern Ireland, the provisions of this section shall extend to the enactments regulating the payment of compensation to workmen for injuries by accident for the time being in force in Northern Ireland.

(3) In particular, but without derogating from the generality of the foregoing provisions of this section, any such Order in Council may make such modifications in this Act in its application to workmen who are French citizens as appear to His Majesty to be necessary to give effect to a convention between His Majesty and the President of the French Republic signed at Paris on the third day of July, nineteen hundred and nine, and this Act shall apply to such workmen subject to the modifications contained in the Order.

Administrative Provisions.

Appointment and remuneration of medical referees and arbitrators.

38.—(1) The Secretary of State may appoint such legally qualified medical practitioners to be medical referees for the purposes of this Act as he may, with the sanction of the Treasury, determine, and the remuneration of, and other expenses incurred by, medical referees under this Act shall, subject to regulations made by the Treasury and except so far as they are defrayed by fees received from the parties under this Act, be paid out of moneys provided by Parliament.

Where a medical referee has been employed as a medical practitioner in connection with any case by or on behalf of an employer or workman or by any insurers interested, he shall not act as medical referee in that case.

(2) The remuneration of an arbitrator appointed by a judge of county courts under the First Schedule to this Act shall be paid out of moneys provided by Parliament in accordance with regulations made by the Treasury.

Detention of ships.

39.—(1) If it is alleged that the owners of any ship are liable as such owners to pay compensation under this Act, or any corresponding enactment for the time being in force in Northern Ireland, and at any time that ship is found in any port or river of England or Northern Ireland, or within three miles of the coast thereof, a judge of any court of record in England or Northern Ireland may, upon its being shown to him by any person applying in accordance with the rules of the court that the owners are probably liable as such to pay such compensation, and that none of the owners reside in Great Britain or Northern Ireland, issue an

order directed to any officer of customs or other officer named by the judge requiring him to detain the ship until such time as the owners, agent, master, or consignee thereof have paid such compensation, or have given security, to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation and to pay such compensation and costs as may be awarded thereon; and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) In any legal proceeding to recover such compensation, the person giving security shall be made defendant, and the production of the order of the judge, made in relation to the security, shall be conclusive evidence of the liability of the defendant to the proceeding.

(3) Where a complaint is made to the Secretary of State that before an application can be made under this section the ship in respect of which the application is to be made will have departed from the limits within which she can be arrested, the ship shall, if the Secretary of State so directs, be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention, if made in accordance with the directions of the Secretary of State.

(4) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that Act, and, if the owner of a ship is a corporation, it shall for the purposes of this section be deemed to reside in the United Kingdom if it has an office in the United Kingdom at which service of writs can be effected.

(5) Where a ship has been demised to charterers, the provisions of this section shall apply to claims against the charterers of the ship as they apply to claims against the owners of a ship with the substitution of charterers for owners:

Provided that no ship shall be detained on a claim against the charterers of the ship after the expiration of the term for which the ship is demised to them.

(6) The foregoing provisions of this section shall extend to Northern Ireland.

(7) Without prejudice to any other means of enforcing claims in Scotland, this section shall, with the substitution of references to the sheriff for references to a judge of any court of record in England, apply to a ship found in any port or river of Scotland, or within three miles of the coast thereof, in like manner as it applies to a ship found in any port or river of England or within three miles of the coast thereof.

Prohibition against charging or assigning weekly payments.

40. A weekly payment payable under this Act or any scheme certified under this Act, or a sum paid by way of redemption thereof, shall not be capable of being assigned, charged, or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against the same.

Repayment of poor relief.

41. Where an authority has granted out-door relief to a person pending the settlement of his claim to compensation under this Act or any scheme certified thereunder, and either—

(*a*) such relief would not have been granted had the person then received or been in receipt of compensation under this Act; or

(*b*) such relief is in excess of the amount which would have been granted had the person then received or been in receipt of such compensation;

the authority may give notice of the relief so provided to the person liable to pay the compensation, and if such notice is given the person so liable shall on demand, and on being furnished with a certificate by the authority of the amount of the relief so provided or of the amount of such excess, as the case may be, repay to the authority, up to the amount which he is liable to pay as compensation, less such part (if any) of that amount as he has already duly paid at the time of receiving the notice aforesaid, the amount of the relief or of the excess certified as aforesaid, and the receipt of the authority shall, up to the amount of the repayment, be a full and valid discharge to that person in respect of the compensation payable by him to the person relieved:

Provided that, if the person so liable to pay compensation gives to the authority by which such notice as

aforesaid is given notice that he intends to pay, or that he has paid, compensation, he shall not be under any obligation to make any repayment in respect of any relief provided after the date of the payment of the compensation or after the time at which the notice so given is received by the authority, whichever is the later.

Returns as to compensation.

42.—(1) Every employer in any industry to which the Secretary of State may direct that this section shall apply shall, on or before such day in every year as the Secretary of State may direct, send to the Secretary of State a correct return specifying the number of injuries in respect of which compensation has been paid by him under this Act during the previous year, and the amount of such compensation, together with such other particulars as to the compensation as the Secretary of State may direct, and in default of complying with this section shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(2) Any regulations made by the Secretary of State containing such directions as aforesaid shall be laid before both Houses of Parliament as soon as may be after they are made.

PART II.

APPLICATION TO CERTAIN INDUSTRIAL DISEASES.

Application of Act to industrial diseases. 1 Edw. 7. c. 22.

43.—(1) Where—

(i) the certifying surgeon appointed under the Factory and Workshop Act, 1901, for the district in which a workman is employed certifies that the workman is suffering from a disease mentioned in the Third Schedule to this Act and is thereby disabled from earning full wages at the work at which he was employed; or

(ii) a workman is, in pursuance of any special rules or regulations made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of having contracted any such disease; or

(iii) the death of a workman is caused by any such disease;

and the disease is due to the nature of any employment in which the workman was employed at any time within the twelve months previous to the date of the disablement or suspension, whether under one or more employers, he or his dependants shall be entitled to compensation under this Act as if the disease or such suspension as aforesaid were a personal injury by accident arising out of and in the course of that employment, subject to the following modifications :—

(*a*) The disablement or suspension shall be treated as the happening of the accident;

(*b*) If it is proved that the workman has at the time of entering the employment wilfully and falsely represented himself in writing as not having previously suffered from the disease, compensation shall not be payable;

(*c*) The compensation shall be recoverable from the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due:

Provided that—

(i) the workman or his dependants if so required shall furnish that employer with such information as to the names and addresses of all the other employers who employed him in the employment during the said twelve months as he or they may possess, and, if such information is not furnished, or is not sufficient to enable that employer to take proceedings under the next following proviso, that employer upon proving that the disease was not contracted whilst the workman was in his employment shall not be liable to pay compensation; and

(ii) if that employer alleges that the disease was in fact contracted whilst the workman was in the employment of some other employer, and not whilst in his employment, he may join such other employer as a party to the arbitration, and if the allegation is proved that other employer shall be the employer from whom the compensation is to be recoverable; and

(iii) if the disease is of such a nature as to be contracted by a gradual process, any other employers who during the said twelve months employed the workman in the employment to the nature of which the disease was due shall be liable to make to the employer from whom compensation is recoverable such contributions as, in default of agreement, may be determined in the arbitration under this Act for settling the amount of the compensation, or, if the amount of compensation is not in dispute, as may be determined by arbitration under this Act.

(*d*) The amount of the compensation shall be calculated with reference to the earnings of the workman under the employer from whom the compensation is recoverable;

(*e*) The employer to whom notice of the death, disablement or suspension is to be given shall be the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due, and the notice may be given notwithstanding that the workman has voluntarily left his employment;

(*f*) If an employer or a workman is aggrieved by the action of a certifying or other surgeon in giving or refusing to give a certificate of disablement or in suspending or refusing to suspend a workman for the purposes of this section, the matter shall in accordance with regulations made by the Secretary of State be referred to a medical referee, whose decision shall be final, and the medical referee when deciding the matter shall also certify as to the condition of the workman at the time when he is examined by him, and such certificate by the medical referee shall be conclusive.

(2) For the purposes of this section the date of disablement shall be such date as the certifying surgeon certifies as the date on which the disablement

commenced, or, if he is unable to certify such a date, the date on which the certificate is given :

Provided that—

(*a*) Where the medical referee allows an appeal against a refusal by a certifying surgeon to give a certificate of disablement, the date of disablement shall be such date as the medical referee may determine :

(*b*) Where a workman dies without having obtained a certificate of disablement, or is at the time of death not in receipt of a weekly payment on account of disablement, it shall be the date of death.

(3) The Secretary of State may make orders for extending the provisions of this section to other diseases and other processes, and to injuries due to the nature of any employment specified in the order not being injuries by accident, either without modification or subject to such modifications as may be contained in the order.

(4) Nothing in this section shall affect the rights of a workman to recover compensation in respect of a disease to which this section does not apply, if the disease is a personal injury by accident within the meaning of this Act.

Supplemental provisions as to industrial diseases.

44.—(1) If the workman at or immediately before the date of such disablement or suspension as aforesaid, was employed in any process mentioned in the second column of the Third Schedule to this Act, and the disease contracted is the disease in the first column of that Schedule set opposite the description of the process, the disease, except where the certifying surgeon certifies that in his opinion the disease was not due to the nature of the employment, shall be deemed to have been due to the nature of that employment unless the employer proves the contrary.

(2) Where a workman claims to be suffering from and disabled by a disease to which the foregoing provisions of this Part of this Act apply, the employer may agree with the workman that he is liable to pay compensation without requiring the workman to obtain the

certificate of the certifying surgeon mentioned in those provisions, and thereupon the workman shall be entitled to compensation as for injury by accident from the date of the agreement or from such other date as may be agreed.

Any such agreement may be recorded in the manner provided by section twenty-three of this Act, and shall be enforceable against the employer in like manner and subject to the same provisions as an agreement to pay compensation in case of an injury by accident.

(3) In such cases, and subject to such conditions as the Secretary of State may direct, a medical practitioner appointed by the Secretary of State for the purpose shall have the powers and duties of a certifying surgeon under the foregoing provisions of this Part of this Act, and those provisions shall be construed accordingly.

(4) The Secretary of State may make rules regulating the duties and fees of certifying and other surgeons (including dentists) under the foregoing provisions of this Part of this Act.

Mutual insurance of employers engaged in industries.

45.—(1) Where, after inquiry held on the application of any employers or workmen engaged in any industry to which the foregoing provisions of this Part of this Act apply, it appears that a mutual trade insurance company or society for insuring against the risks under those provisions has been established for the industry, and that a majority of the employers engaged in that industry are insured against such risks in the company or society and that the company or society consents, the Secretary of State may, by Provisional Order require all employers in that industry to insure in the company or society upon such terms and under such conditions and subject to such exceptions as may be set forth in the Order.

(2) Where such a company or society has been established but is confined to employers in any particular locality or of any particular class, the Secretary of State may for the purposes of this section treat the industry, as carried on by employers in that locality or of that class, as a separate industry.

(3) A Provisional Order made under this section shall be of no force whatever unless and until it is con-

firmed by Parliament, and if, while the Bill confirming any such Order is pending in either House of Parliament, a petition is presented against the Order, the Bill may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills, and any Act confirming any Provisional Order under this section may be repealed, altered or amended by a Provisional Order made and confirmed in like manner.

Expenses of Secretary of State.

46. Any expenses incurred by the Secretary of State in respect of any Order, Provisional Order, or confirming Bill under the foregoing provisions of this Part of this Act shall be defrayed out of moneys provided by Parliament.

Power by scheme to apply Act to workmen suffering from silicosis

47.—(1) The Secretary of State may by scheme provide for the payment of compensation by the employers of workmen in any specified industry or process or group of industries or processes involving exposure to silica dust—

(*a*) who are certified in such manner as may be prescribed by the scheme to have suffered death or total disablement from the disease known as fibroid phthisis or silicosis of the lungs (in this section referred to as silicosis) or from that disease accompanied by tuberculosis; or

(*b*) who, though not totally disabled, are found on medical examination to be suffering from silicosis, or from silicosis accompanied by tuberculosis, to such a degree as to make it dangerous to continue work in the industry or process, and are for that reason suspended from employment.

(2) The scale of compensation fixed by the scheme in the case of death or total disablement due to silicosis or silicosis accompanied by tuberculosis shall be that prescribed by this Act and in any other case shall be such as may be prescribed by the scheme.

(3) Provision may be made by the scheme—

(*a*) for the establishment of a general compensation fund, to be administered either through a mutual trade insurance company or society of

employers, or in such other manner as may be provided by the scheme;

(*b*) for requiring employers to subscribe to the fund, and for the recovery of such subscriptions, and for the payment and recovery out of the fund of all compensation under the scheme, and of any expenses arising under the scheme which are directed by the scheme to be so paid, subject to such exceptions in special cases as may be made by the scheme;

(*c*) for the settlement of claims and other matters arising under the scheme by committees representative of both employers and workmen, with an independent chairman, and for the procedure to be adopted before such committees;

(*d*) for the appointment and remuneration of medical officers, medical boards and advisory medical bodies, and for their duties and powers in connection with the scheme;

(*e*) for requiring workmen to whom the scheme applies (i) to submit themselves to such periodical medical examination, and (ii) to furnish such information with respect to their previous employment in any industry specified in the scheme, as involving exposure to silica dust, as may be prescribed by the scheme, and for making the right of the workmen to compensation conditional on compliance with such requirements, and for the suspension from employment of workmen who are found at any time to be suffering from silicosis or tuberculosis, or silicosis accompanied by tuberculosis, or who, when first medically examined in pursuance of the scheme, are found unsuitable for work in the industry or process by reason of their failure to satisfy such requirements with respect to physique as may be prescribed by the scheme; and

(*f*) for the application with the necessary modifications of any of the provisions of this Act, or of any enactment relating to compensation thereunder, and for defining the industries or

processes to which the scheme applies, and generally for such further or supplemental matters, including provisions as to the determination of disputes arising between employers and the authority administering the fund, as appear necessary for giving full effect to the scheme.

(4) Any scheme made under this section may be extended or varied by any subsequent scheme made in the like manner, and shall have effect as if enacted in this Act, but any scheme made under this section shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House sits next after any such scheme is laid before it praying that the scheme may be annulled, His Majesty in Council may annul the scheme, and it shall thenceforward be void, but without prejudice to the validity of anything done thereunder.

(5) Section one of the Rules Publication Act, 1893, shall not apply to any scheme made under this section. 56 & 57 Vict. c. 66.

PART III.

GENERAL.

48.—(1) In this Act unless the context otherwise requires— Interpretation.

"Ship," "vessel," "seaman," and "port" have the same meanings as in the Merchant Shipping Act, 1894;

"Manager," in relation to a ship, means the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner;

"Police force" means a police force to which the Police Act, 1890, or the Police (Scotland) Act, 1890, applies, and the City of London Police Force; 53 & 54 Vict. c. 45. 53 & 54 Vict. c. 67.

"Outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home

or on other premises not under the control or management of the person who gave out the materials or articles;

"United Kingdom" means Great Britain and Northern Ireland.

(2) The exercise and performance of the powers and duties of a local or other public authority shall, for the purposes of this Act, be treated as the trade or business of the authority.

(3) Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative, or to his dependants, or other person to whom or for whose benefit compensation is payable.

Application to Scotland. 7 Edw. 7. c. 51.

49.—(1) Any application to the sheriff as arbitrator shall be heard, tried, and determined summarily in the manner provided by section fifty of the Sheriff Courts (Scotland) Act, 1907, save only that parties may be represented by any person authorised in writing to appear for them and subject to the declaration that it shall be competent to either party within the time and in accordance with the conditions prescribed by act of sederunt to require the sheriff to state a case on any question of law determined by him, and his decision thereon in such case may be submitted to either division of the Court of Session, who may hear and determine the same and remit to the sheriff with instruction as to the judgment to be pronounced, and an appeal shall lie from either of such divisions to the House of Lords.

(2) In this Act the expressions "county court," "judge of the county court," "registrar of the county court," "county court judgment," "plaintiff," "contract of bailment," and "rules of court," as respects Scotland, mean respectively sheriff court, sheriff, sheriff clerk, recorded decree arbitral, pursuer, contract of letting to hire, and act of sederunt.

Commencement, repeal and extent.

50.—(1) This Act shall come into operation on the first day of May, nineteen hundred and twenty-six, but shall not apply in any case where the accident happened before the first day of January, nineteen hundred and twenty-four.

(2) The enactments mentioned in the Fourth Schedule to this Act are so far as they relate to England and Wales and Scotland hereby repealed to the extent mentioned in the third column of that Schedule, but shall continue to apply to cases where the accident happened before the first day of January, nineteen hundred and twenty-four, and to which they apply at the commencement of this Act:

Provided that nothing in this repeal shall affect any scheme, order, rule, regulation, agreement or award, or other instrument certified, issued or made, or any other thing done under the enactments so repealed and in force at the commencement of this Act, but any such scheme, order, rule, regulation, agreement, or award, or other instrument, or other thing, shall continue in force and have effect as if certified, issued, made or done under this Act.

(3) The repeal of subsection (2) of section sixteen of the Workmen's Compensation Act, 1906, shall not affect the application of the Workmen's Compensation Acts, 1897 and 1900, to cases to which by virtue of that subsection they are to continue to apply. 6 Edw. 7. c. 53.

(4) This Act shall not, except as otherwise expressly provided, extend to Northern Ireland.

51. This Act may be cited as the Workmen's Compensation Act, 1925. Short title.

SCHEDULES.

FIRST SCHEDULE. Section 21.

ARBITRATION, &c.

1. For the purpose of settling any matter which under this Act is to be settled by arbitration, if any committee, representative of an employer and his workmen, exists with power to settle

1ST SCH. —*cont.*

matters under this Act in the case of the employer and workmen, the matter shall, unless either party objects by notice in writing sent to the other party before the committee meet to consider the matter, be settled by the arbitration of such committee, or be referred by them in their discretion to arbitration as hereinafter provided.

2. If either party so objects, or there is no such committee, or the committee so refers the matter or fails to settle the matter within six months from the date of the claim, the matter shall be settled by a single arbitrator agreed on by the parties, or in the absence of agreement by the judge of the county court, according to the procedure prescribed by rules of court.

3. In England the matter, instead of being settled by the judge of the county court, may, if the Lord Chancellor so authorises, be settled according to the like procedure, by a single arbitrator appointed by that judge, and the arbitrator so appointed shall, for the purposes of this Act, have all the powers of that judge.

52 & 53 Vict. c. 49.

4. The Arbitration Act, 1889, shall not apply to any arbitration under this Act; but a committee or an arbitrator may, if they or he think fit, submit any question of law for the decision of the judge of the county court, and the decision of the judge on any question of law, either on such submission, or in any case where he himself settles the matter under this Act, or where he gives any decision or makes any order under this Act, shall be final, unless within the time and in accordance with the conditions prescribed by rules of the Supreme Court either party appeals to the Court of Appeal; and the judge of the county court, or the arbitrator appointed by him, shall, for the purpose of proceedings under this Act, have the same powers of procuring the attendance of witnesses and the production of documents as if the proceedings were an action in the county court.

5. A judge of county courts may in any case, if he thinks fit, and shall, if any party in accordance with rules of court so requires and gives security for the payment of the prescribed fee, summon a medical referee to sit with him as assessor.

If a medical referee is so summoned on the application of any party, that party shall, subject to any directions as to costs, be liable to pay in respect of the attendance of the medical referee such fee as may be prescribed by the Secretary of State.

6. Rules of Court may make provision—

(*a*) for the appearance in any arbitration under this Act of any party by some other person; and

1ST SCH. —*cont.*

(*b*) for conferring on the judge or registrar of a county court in proceedings under this Act the like powers of making orders for the examination of witnesses and persons, and for discovery, interrogatories, inspection of documents, and further particulars, and of granting a new trial, as are exercisable as respects actions in county courts.

7.—(1) The costs of and incidental to the arbitration and proceedings connected therewith shall be in the discretion of the committee, arbitrator, or judge of the county court, subject as respects such judge and an arbitrator appointed by him to rules of court.

(2) The costs, whether before a committee or an arbitrator or in the county court, shall not exceed the limit prescribed by rules of court, and shall be taxed in manner prescribed by those rules and such taxation may be reviewed by the judge of the county court.

8. In the case of the death, or refusal or inability to act, of an arbitrator, the judge of the county court may, on the application of any party, appoint a new arbitrator.

9. Where a reference is made to a medical referee under section sixteen or section nineteen of this Act, or where on an application for the registration of a memorandum of agreement a report of a medical referee is required under this Act to be obtained, there shall, subject to any directions as to costs and to the provisions hereinafter contained, be payable by the applicant for the reference or for the registration of the memorandum such fee in respect of the remuneration and expenses of the medical referee as the Secretary of State may prescribe, and provision may be made by rules of court for the payment of such fees through the registrar of the county court.

All such references shall be made and reports obtained in accordance with regulations of the Secretary of State.

10. Any sum awarded as compensation shall, unless paid into court under this Act, be paid on the receipt of the person to whom it is payable under any agreement or award, and the solicitor or agent of a person claiming compensation under this Act shall not be entitled to recover from him any costs in respect of any proceedings in an arbitration under this Act, or to claim a lien in respect of such costs on, or deduct such costs from, the sum awarded or agreed as compensation, except such sum as may be awarded by the committee, the arbitrator, or the judge of the

1ST SCH. —*cont.*

county court, on an application made either by the person claiming compensation, or by his solicitor or agent, to determine the amount of costs to be paid to the solicitor or agent, such sum to be awarded subject to taxation and to the scale of costs prescribed by rules of court.

11. Any committee, arbitrator, or judge may, subject to regulations made by the Secretary of State and the Treasury, submit to a medical referee for report any matter which seems material to any question arising in the arbitration.

12. No court fee shall be payable by a workman in respect of any proceedings in a court under this Act.

13. Paragraphs 3, 4, 6(*b*), and 8 of this Schedule shall not apply to Scotland, and in its application to Scotland this Schedule shall have effect as if for paragraph 12 the following paragraph were substituted :—

No court fee shall be payable by any party in respect of any proceedings by or against a workman under this Act in the court prior to the award, or for recording a memorandum of agreement under this Act.

Section 26.

SECOND SCHEDULE.

PROVISIONS AS TO PAYMENTS INTO COURT AND INVESTMENT.

1. Any sum paid into court under this Act shall, subject to rules of court and the provisions of this schedule, be invested, applied, or otherwise dealt with by the court in such manner as the court in its discretion thinks fit for the benefit of the persons entitled thereto under this Act, and the receipt of the registrar of the court shall be a sufficient discharge in respect of the amount paid in.

2. In the event of the death of any person entitled as a dependant to money paid into a county court under this Act, then, if no direction has been given as to the disposition thereof for the benefit of other dependants in the event of the death of the person entitled thereto, the court may, without probate or letters of administration, distribute the sum amongst such

2ND SCH. —*cont.*

persons as appear to the court, upon such evidence as the court may deem satisfactory, to be entitled by law to receive the same, or if the dependant so dying is illegitimate and dies intestate, amongst the persons who in the opinion of the court would have been entitled thereto if the dependant had been legitimate; and, if there are no such persons, the court shall deal with the sum as the Treasury may direct:

Provided that, where the principal value of the estate of the dependant so dying exceeds one hundred pounds, any sum paid under this paragraph without probate or letters of administration shall be liable to estate duty as part of the amount on which that duty is charged, and the county court shall, before making any such payment, require a statutory declaration by the claimant, or by one of the claimants, that the principal value of the estate, including the sum in question, does not, after deduction of debts and funeral expenses, exceed the value of one hundred pounds, or the production of a letter or certificate from the Commissioners of Inland Revenue stating either that all duties payable in respect of the sum in question have been paid, or that no duty thereon is payable.

This paragraph does not apply to Scotland.

3. Rules of court may provide for the transfer of money paid into court under this Act from one court to another, whether or not the court from which it is to be transferred is in the same part of Great Britain as the court to which it is to be transferred, and for the transfer to a county court in Northern Ireland of money paid into court under this Act, and to a county court in Great Britain of money paid into court in Northern Ireland under any enactment for the time being in force in Northern Ireland relating to the compensation of workmen for injuries suffered in the course of their employment.

4. Any sum which under this schedule is ordered to be invested may be invested in whole or in part in the Post Office Savings Bank by the registrar of the county court in his name as registrar.

5. Any sum to be so invested may be invested in the purchase of an annuity from the National Debt Commissioners through the Post Office Savings Bank, or be accepted by the Postmaster-General as a deposit in the name of the registrar as such, and the provisions of any statute or regulations respecting the limits of deposits in savings banks, and the declaration to be made by a depositor, shall not apply to such sums.

6. No part of any money invested in the name of the registrar of any county court in the Post Office Savings Bank under this Act shall be paid out, except upon authority addressed

2ND SCH. —*cont.*

to the Postmaster-General by the Treasury or, subject to regulations of the Treasury, by the judge or registrar of the county court.

7. Any person deriving any benefit from any moneys invested in a post office savings bank under the provisions of this Act may, nevertheless, open an account in a post office savings bank or in any other savings bank in his own name without being liable to any penalties imposed by any statute or regulations in respect of the opening of accounts in two savings banks, or of two accounts in the same savings bank.

Sections 43, 44.

THIRD SCHEDULE.

Description of Disease.	Description of Process.
Anthrax - - -	Handling of wool, hair, bristles, hides, and skins.
Lead poisoning or its sequelæ.	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelæ.	Any process involving the use of mercury or its preparations or compounds.
Phosphorus poisoning or its sequelæ.	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequelæ.	Any process involving the use of arsenic or its preparations or compounds.
Ankylostomiasis -	Mining.

Where regulations or special rules made under any Act of Parliament for the protection of persons employed in any industry against the risk of contracting lead poisoning require some or all of the persons employed in certain processes specified in the regulations or special rules to be periodically examined by a certifying or other surgeon, then, in the application of this schedule to that industry, the expression "process" shall, unless the Secretary of State otherwise directs, include only the processes so specified.

FOURTH SCHEDULE.

Section 50.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
6 Edw. 7. c. 58	The Workmen's Compensation Act, 1906.	The whole Act.
9 Edw. 7. c. 16	The Workmen's Compensation (Anglo-French Convention) Act, 1909.	The whole Act.
1 & 2 Geo. 5. c. 50.	The Coal Mines Act, 1911 -	Section one hundred and ten.
8 & 9 Geo. 5. c. 8	The Workmen's Compensation (Illegal Employment) Act, 1918.	The whole Act.
8 & 9 Geo. 5. c. 14.	The Workmen's Compensation (Silicosis) Act, 1918.	The whole Act.
9 & 10 Geo. 5. c. 73.	The County Courts Act, 1919	Sections twenty-five and twenty-six.
13 & 14 Geo. 5. c. 42.	The Workmen's Compensation Act, 1923.	The whole Act, except sections one, six, twenty-eight, twenty-nine, thirty and thirty-one.
14 & 15 Geo. 5. c. 17.	The County Courts Act, 1924	Section six.
14 & 15 Geo. 5. c. 40.	The Workmen's Compensation (Silicosis) Act, 1924.	The whole Act.

CHAPTER 85.

An Act to amend the Land Settlement (Facilities) Act, 1919, by substituting other provisions for those contained in section twenty-seven of the said Act. [22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Provisions to be substituted for s. 27 of 9 & 10 Geo. 5. c. 59. 8 Edw. 7. c. 36.

1. The following provisions shall be substituted for section twenty-seven of the Land Settlement (Facilities) Act, 1919 (which provides for the recoupment of certain losses incurred by county councils in connection with the acquisition of land under the Small Holdings and Allotments Act, 1908):—

"(1) For the purpose of this section there shall be ascertained—

"(*a*) the amount of the charges which will fall to be met in the half-year beginning on the appointed day and every subsequent half-year by any council in respect of expenditure properly incurred by them before the appointed day in respect of the acquisition, adaptation or improvement of, or otherwise in relation to, their small holdings estate (in this section referred to as "small holdings charges"); and

"(*b*) the net income which will accrue in the year beginning on the appointed day and in every subsequent year to the council from the council's small holdings estate.

"(2) The amount of a small holdings charge falling to be met in any half-year shall, for the purpose of this section, be taken to be—

"(*a*) in the case of a tithe redemption annuity or any perpetual or terminable rentcharge created on the acquisition of land, one-half of the amount payable in the year in respect thereof;

"(*b*) in the case of an annuity issued under section nine of this Act, one-half of the amount of the annuity, together with one-half of the amount which the council is directed to set apart in the year to form a sinking fund for the discharge of the annuity;

"(*c*) in the case of a mortgage repayable by payments of principal and interest combined, or by equal yearly or half-yearly instalments of principal together with

interest on the balance of the principal sum for the time being outstanding, one-half of the aggregate of the amounts so payable in the year;

"(*d*) in the case of any other mortgage or charge, such amount as is agreed between the Minister and the council concerned to be payable in that half-year as interest thereon, together with one-half of the amount which the council is required to set apart in the year to form a sinking fund for the discharge of the principal sum.

"(3) For the purpose of ascertaining the net annual income of the council's small holdings estate for any year, the net annual income of land forming part of that estate shall be taken to be—

"(*a*) in the case of land other than leasehold land, the amount representing the estimated average yearly rent obtainable by the council for the land after deducting therefrom the estimated cost of repairs, insurance, expenses of management and other outgoings reasonably necessary to secure that rent, but without deducting any small holdings charges or income tax;

"(*b*) in the case of leasehold land, the difference between the estimated average yearly rent obtainable by the council for the land and the estimated annual expenditure of the council on account of rent and other necessary outgoings in connection with the land, including any amounts required to meet the estimated net liability of the council to the landlord or to the tenants of the council on the expiration of the current tenancy:

"Provided that—

"(i) if the amount of the estimated average yearly rent is less than the amount of the estimated annual expenditure, the deficiency shall be brought into account; and

"(ii) no rent shall be deemed to be obtainable by the council in respect of the land after the expiration of the current tenancy of the council.

"(4) Where before the appointed day a council has properly incurred any expenditure in respect of the acquisition, adaptation or improvement of, or otherwise in relation to, their small holdings estate, but has not obtained a loan under the principal Act in respect of that expenditure, or where a council after the appointed day has incurred any such expenditure in respect of which the approval of the Minister was given before the appointed day, there shall be ascertained, on the basis of the foregoing provisions of this section, the amount representing the half-yearly charges which would have become payable by the council if the amount of the expenditure had been raised by loan, and the amount so ascertained shall, for the purpose of this section, be treated as if it were a small holdings charge.

"(5) The Minister shall, on such date as may be agreed between him and the council, pay to every council in respect of each half-year a sum equal to the amount, if any, by which the aggregate amount of the small holdings charges payable by the council during that half-year exceeds one-half of the net annual income of the council's small holdings estate for the year ascertained as aforesaid:

"Provided that, as regards the payments to be made in respect of the financial year ending on the thirty-first day of March, nineteen hundred and twenty-seven, and in respect of each of the two next following years, the date to be agreed as aforesaid shall be a date not earlier than the first day of the financial year following the year in respect of which the payment is to be made.

"Any sum paid to a council under this subsection may be applied by the council in defraying any expenditure in connection with the council's small holdings estate.

"(6) There shall also be ascertained the amount of the loss which a council will

necessarily or without any unreasonable default on its part incur in respect of—

"(*a*) any advance made or guaranteed before the appointed day by the council under section eighteen of this Act; and

"(*b*) any arrears of rent due or accruing to the council on the appointed day from any person who is or was a tenant of land acquired by the council under the principal Act and of any other liabilities of such a tenant to the council remaining undischarged on the appointed day,

and the aggregate of the amounts so ascertained shall be paid to the council by the Minister in four equal annual instalments, the first of which shall be made on the appointed day or as soon thereafter as the loss is ascertained, and the remainder of which shall be made on each succeeding first day of April.

"(7) If any question arises between the Minister and a council with respect to any matter to be ascertained under this section, that question shall be determined by arbitration in accordance with the provisions of the Second Schedule to the Agricultural Holdings Act, 1923, except that— 13 & 14 Geo. 5. c. 9.

"(*a*) in default of agreement, the arbitrator shall be appointed by the Reference Committee for England and Wales, constituted under section one of the Acquisition of Land (Assessment of Compensation) Act, 1919, and may be a person who is not a member of the panel formed under the said Second Schedule, and for the purposes of this provision the Reference Committee shall be deemed to include the President of the Institute of Chartered Accountants in England and Wales as well as the persons mentioned in the said section one; and 9 & 10 Geo. 5. c. 57.

"(*b*) the Minister and the council shall each bear their own costs and pay the costs of the award in equal shares.

"(8) For the purposes of this section unless the context otherwise requires—

"'The council's small holdings estate' means the land acquired by a council under the principal Act and vested in them on the appointed day, other than any land acquired by them when acting in default of a district or parish council or any small holdings of less than one acre;

"'Rent' means, in the case of land capable of being let for the purposes of small holdings or allotments, the amount which would be obtainable as rent if the land were let for those purposes;

"'Council' means the council of a county;

"'Year' means the year beginning on the first day of April, and 'half-year' means the period beginning on the first day of April or the first day of October in any year;

"'Current' in relation to a tenancy means current until the first day after the appointed day on which the tenancy might be terminated by the landlord and no longer;

"'The appointed day' means the first day of April, nineteen hundred and twenty-six;

"Expenditure shall not be treated as having been properly incurred if, being expenditure for which the approval of the Minister was by law required, such approval was not given.

"(9) The provisions of this section shall apply to the council of a county borough in respect of land acquired by the council for the purposes of small holdings in like manner as it applies to the council of a county.

"(10) Amounts required to be ascertained for the purposes of this section may be so ascertained before the appointed day, and if not so ascertained shall be so ascertained as soon as possible thereafter.

"(11) When any amount has once been ascertained in accordance with the provisions of this section, it shall not thereafter be subject to revision or variation."

2. This Act may be cited as the Land Settlement (Facilities) Amendment Act, 1925. Short title.

CHAPTER 86.

An Act to amend the law with respect to the administration of criminal justice in England, and otherwise to amend the criminal law.

[22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

PROBATION OF OFFENDERS.

1.—(1) For the purposes of the principal Act, one or more probation officers shall be appointed for every probation area, and it shall be the duty of probation officers to undertake the supervision of persons in respect of whom supervision is required by a probation order, whether made by a court of summary jurisdiction or by a court of assize or a court of quarter sessions. Probation officers.

(2) The probation committee of a probation area may pay such sums by way of salary or remuneration to the probation officers appointed for the area and to any persons, not being probation officers, named in probation orders made by any court of summary jurisdiction sitting within the area or by any court of assize or quarter sessions in respect of persons who have been committed for trial by examining justices sitting within the area, and such sums on account of

expenses incurred by those officers and persons in the performance of their duties, as, subject to the provisions of this Part of this Act with respect to scales of salaries, remuneration and expenses, may be agreed upon between the committee and the local authority liable to make the payment, or, failing agreement, may be determined by the Secretary of State.

(3) The Secretary of State shall have power by scheme to make such arrangements as he thinks fit with a view to the provision of superannuation allowances or gratuities for probation officers or their legal personal representatives:

Provided that the Secretary of State, before making any such scheme, shall cause notice thereof to be given in such manner as he thinks fit to any local authorities who may be affected thereby, and shall take into consideration any representations with respect thereto which may be submitted to him by any such authority.

Probation areas and committees.

2.—(1) Subject as hereinafter provided, every petty sessional division shall be a probation area for the purposes of the principal Act:

Provided that the Secretary of State may, if he thinks it desirable so to do with a view to securing the more effective operation of the law relating to the probation of offenders, by order direct that two or more petty sessional divisions shall be combined to form a probation area.

(2) There shall be a probation committee for every petty sessional division, whether a probation area or not, and for every combined area.

(3) The probation committee shall consist, in the case of a petty sessional division, of three or more justices appointed in the prescribed manner by the justices acting in and for that division, and, in the case of a combined area, of such number of justices, to be appointed in the prescribed manner and representing respectively the justices for the several petty sessional divisions comprised in the combined area and any court of quarter sessions in whose district any part of the combined area is situate, as may be provided by the order constituting the combined area.

(4) A court of quarter sessions for a county may submit to the Secretary of State schemes with respect to

the constitution of combined areas and of probation committees for such areas, and the Secretary of State shall take into consideration any such schemes which may be submitted to him and shall, before making an order constituting a combined area, give to the justices acting in and for any petty sessional division affected by the order an opportunity of making to him any representations which they may desire to make with respect to the order.

(5) Subject as hereinafter provided, it shall be the duty of the probation committee of a probation area to—

(*a*) appoint probation officers for the probation area;

(*b*) pay the salaries and other sums payable to probation officers and persons named in probation orders and any superannuation allowances or gratuities payable under this Part of this Act;

(*c*) supervise the work and receive the reports of such officers and persons; and

(*d*) perform such other duties in connection with the probation of offenders as may be prescribed or as the Secretary of State may by order direct:

Provided that—

(i) in the case of a probation area which is not a combined area the appointment of probation officers for the area shall be made by the justices acting in and for the petty sessional division and not by the probation committee, unless the justices by resolution delegate to the committee the power of appointing probation officers; and

(ii) in the case of a combined area, the duty of supervising the work and receiving the reports of probation officers and persons named in probation orders shall be performed by the probation committees of the several petty sessional divisions comprised in the area instead of by the probation committee for the area.

(6) Where a stipendiary magistrate is appointed, or other special court of summary jurisdiction is constituted, for an area not being a petty sessional division,

the Secretary of State may by order apply this Part of this Act to that area subject to such adaptations as he may consider necessary or expedient, and the order may contain such supplemental, incidental and consequential provisions as may appear to him necessary or proper for the purposes of the order.

Selection of probation officers.

3.—(1) The person to act as probation officer shall, in a case where the probation order is made by a court of summary jurisdiction, be selected from among the probation officers for the probation area for or within which that court exercises jurisdiction, and, where the probation order is made by a court of assize or a court of quarter sessions, be selected from among the probation officers appointed for the probation area for or within which the examining justices by whom the offender was committed for trial act:

Provided that—

(*a*) if the court making the order thinks it desirable so to do, having regard to the place of residence of the offender or any other special reason, the court may appoint a probation officer for any other probation area to act under the order; and

(*b*) the court making the order may, in any special case in which it appears desirable so to do, appoint a person not being a probation officer to undertake supervision in respect of that case.

(2) Where the circumstances permit, the court shall appoint a probation officer who is a woman to supervise an offender who is a woman and an officer experienced in dealing with children or young persons to supervise an offender who is under the age of sixteen years.

(3) Where the probation officer or other person named in a probation order has died or is unable for any reason to carry out his duties, or where the court before which the offender is bound by his recognizance to appear for conviction or sentence for any reason considers it desirable that another person should be appointed in the place of that officer or person, the court shall appoint another probation officer or person to undertake supervision in respect of the case.

Employment of agents of

4.—(1) It shall be lawful to appoint as a probation officer for any area, or to name in a probation order as

the person to undertake supervision in any special case, a person who is the agent of a voluntary society, and any sums payable by way of salary, remuneration, or otherwise under this Act to such an agent may be paid to the society. Voluntary societies as probation officers.

(2) In this section the expression "voluntary society" means a society carrying on mission work in connection with police courts or other work in connection with the supervision and care of offenders.

5.—(1) The sums required to meet any expenses incurred by a probation committee in respect of the salaries, remuneration and expenses of probation officers and of persons, not being probation officers, named in probation orders, and in respect of superannuation allowances or gratuities to probation officers and any other expenses of a probation committee which may be incurred in accordance with rules made by the Secretary of State, shall be defrayed, in accordance with rules so made, by the local authority in whose area the probation area is situate: Salaries and expenses.

Provided that, where a probation area is situate in the area of two or more local authorities, the sums to be defrayed as aforesaid by the local authority shall be apportioned between the several authorities in such manner as may be agreed upon between them, or, in default of agreement, as may be determined by the Secretary of State.

(2) It shall be lawful for a local authority to contribute towards the expense of maintaining persons who have been released on probation under a condition as to residence.

(3) There shall be paid out of moneys provided by Parliament, towards the expenditure of local authorities under this Part of this Act and towards the expense of maintaining persons who have been released on probation as aforesaid, such sums as the Secretary of State, with the approval of the Treasury, may direct, and subject to such conditions as he may with the like approval determine.

(4) If in any case the Secretary of State thinks fit to withhold the whole or any part of the grant which would otherwise have been payable under this section to a local authority in respect of any year, he may direct that the local authority shall be relieved of the liability to

pay the whole or any part of the sums falling to be defrayed under this Part of this Act by the local authority in respect of that year.

Supplemental provisions as to probation orders
4 & 5 Geo. 5. c. 58

6. The court by which a probation order is made may by the order provide that the powers which, by this Act and by section nine of the Criminal Justice Administration Act, 1914, are conferred on the court before which the offender is bound by his recognizance to appear for conviction or sentence as respects—

(1) the appointment of a probation officer or other person in lieu of the probation officer or of the other person named in the probation order;

(2) the variation of the terms and conditions of the recognizance;

may be exercised by any court of summary jurisdiction acting for the area in which the offender may for the time being reside.

Minor amendments of Probation of Offenders Acts.

7.—(1) In every case where a person as respects whom a probation order has been made by a court of summary jurisdiction did not plead guilty or admit the truth of the information, he shall have a right to appeal against the order to a court of quarter sesssions on the ground that he was not guilty of the offence charged, in the same manner as if he had been convicted of the offence.

On any such appeal the court of quarter sessions shall allow the appeal if it thinks that the appellant was not guilty of the offence charged, and in any other case shall dismiss the appeal.

(2) The following shall be substituted for subsection (3) of section one of the principal Act:—

"(3) The court may by any such order direct that it shall be a condition of the recognizance to be entered into by the offender that he shall pay such damages for injury or compensation for loss (not exceeding in the case of a court of summary jurisdiction twenty-five pounds, or, if a higher limit is fixed by any enactment relating to the offence, that higher limit), and such costs of the proceedings, as the court thinks reasonable."

(3) In any case where it is intended in pursuance of section six of the principal Act to issue a summons instead of a warrant in the first instance, it shall not be necessary that the information shall be on oath or in writing.

(4) A court before which an offender is brought or appears under section six of the principal Act for failing to observe the conditions of his recognizance may, instead of sentencing him for the original offence under subsection (5) of that section or remanding him to custody or on bail under subsection (3) of that section, as the case may be, and without prejudice to the continuance in force of the probation order, impose on him in respect of such failure a penalty not exceeding ten pounds.

(5) Where under subsection (3) of the said section six an offender is remanded to custody or on bail by a court of summary jurisdiction, that court shall transmit to the court before which the offender is bound to appear under his recognizance a certificate signed by a justice stating that the offender has failed to observe the conditions of the recognizance, together with such particulars of the circumstances of the case as the first-mentioned court may consider expedient, and for the purposes of proceedings in the court to which it is transmitted the certificate shall be admissible as evidence that the offender has so failed.

(6) Where a person as respects whom a probation order has been made is, in pursuance of subsection (5) of section six of the principal Act, convicted for the original offence and his recognizance is adjudged by the court to be forfeited, the court instead of adjudging the persons bound thereby to pay the sums for which they are respectively bound may, as it thinks fit, adjudge those persons or any of them to pay part only of those sums or may as respects all or any of those persons remit payment thereof.

Power to make rules.

8. The Secretary of State may make rules for carrying this Part of this Act into effect, and in particular—

(*a*) for prescribing, subject to the provisions of this Part of this Act, the constitution, procedure, powers and duties of probation committees:

(*b*) for fixing scales of salaries and remuneration to be paid in the case of probation officers and other persons, not being probation officers, named in probation orders, and of the expenses to be allowed to those officers and persons, and for regulating superannuation allowances and

gratuities payable in the case of probation officers:

(*c*) for prescribing the qualification of probation officers, and for providing that the appointment of a probation officer shall not, in any case where the Secretary of State so directs, be effective unless confirmed by him:

(*d*) for authorising any powers or duties of a local authority under the principal Act to be delegated to or to be performed by a committee of the authority:

(*e*) for prescribing anything which under this Part of this Act is to be prescribed.

Application of Part I. to London.

9.—(1) The foregoing provisions of this Part of this Act shall in their application to the metropolitan police court district have effect subject to the following modifications—

(*a*) The provisions with respect to the appointment of probation committees shall not apply:

(*b*) The power to appoint probation officers and other powers of probation committees shall be exercised by the Secretary of State:

(*c*) There shall be paid out of the metropolitan police fund any sums which the Secretary of State may direct to be paid in respect of any salaries, remuneration or other sums payable to probation officers or other persons and of any superannuation allowances or gratuities payable in the case of probation officers, and any sums which the Secretary of State may direct to be paid towards the expense of maintaining persons who have been released on probation under a condition as to residence.

In this paragraph the expression "probation officers" means probation officers appointed by the Secretary of State, and the expression "other persons" means persons, not being probation officers, named in probation orders made by any court of summary jurisdiction sitting within the district, or made by any court of assize or quarter sessions, in respect of persons who have been committed for trial by examining justices sitting within the district.

For the purpose of the provisions of this Part of this Act relating to the payments to be made out of moneys provided by Parliament, any expenditure under this paragraph out of the metropolitan police fund shall be treated as being expenditure of a local authority:

(*d*) Each division of the district shall be deemed to be a petty sessional division.

(2) In the application of this Part of this Act to the City of London, the City shall be deemed to be a petty sessional division and the provisions relating to the constitution of combined areas shall not apply.

Interpretation of Part I.

10. In this Part of this Act, unless the context otherwise requires:—

The expression "the principal Act" means the Probation of Offenders Act, 1907, and references to that Act shall be construed as references to that Act as amended by any subsequent enactment, including this Part of this Act: 7 Edw. 7. c. 17.

The expression "combined area" means a probation area consisting of two or more petty sessional divisions combined by virtue of an order made by the Secretary of State under this Part of this Act:

The expression "probation order" has the same meaning as in the principal Act:

The expression "local authority" means the authority out of whose funds the salary of the clerk to the justices for the petty sessional division is to be paid:

The expression "prescribed" means prescribed by rules made under this Part of this Act.

PART II.

JURISDICTION AND PROCEDURE.

Indictable Offences generally.

Venue in indictable offences.

11.—(1) A person charged with any indictable offence may be proceeded against, indicted, tried and punished in any county or place in which he was apprehended, or is in custody on a charge for the offence, or has appeared in answer to a summons lawfully issued charging the offence, as if the offence had been committed in that county or place, and the offence shall, for all purposes incidental to or consequential on the prosecution, trial or punishment

thereof, be deemed to have been committed in that county or place:

Provided that, if at any time during the course of any proceedings taken against any person before any examining justices in pursuance of this subsection—

(*a*) it appears to the examining justices that the accused would suffer hardship if he were indicted and tried in the county or place aforesaid, the examining justices shall forthwith (but without prejudice to their powers under section twenty-two of the Indictable Offences Act, 1848), cease to proceed further in the matter under this subsection; and

11 & 12 Vict. c. 42.

(*b*) if the accused applies to the justices to discontinue further proceedings under this subsection on the ground that he will otherwise suffer hardship and the justices refuse to comply with the application, the accused may appeal to the High Court against the decision of the justices, and the justices shall, on being informed by the accused of his intention so to appeal, suspend further proceedings under this subsection pending the decision of the High Court.

On an appeal to the High Court under the foregoing provision the High Court shall either direct the examining justices to cease proceedings under this subsection or shall disallow the appeal, as it thinks proper.

(2) Where any person is charged with two or more indictable offences, he may be proceeded against, indicted, tried and punished in respect of all those offences in any county or place in which he could be proceeded against, indicted, tried or punished in respect of any one of those offences, and all the offences with which that person is charged shall, for all purposes incidental to or consequential on the prosecution, trial or punishment thereof, be deemed to have been committed in that county or place.

(3) Where a person is charged with an offence against the Forgery Act, 1913, or with an offence indictable at common law or under any Act for the time being in force, consisting in the forging or altering of any matter whatsoever, or in offering, uttering, disposing of or putting off any matter whatsoever, knowing the same to be forged or altered, and the offence relates to

3 & 4 Geo. 5. c. 27.

documents made for the purpose of any Act relating to the suppression of the slave trade, the offence shall for the purposes of jurisdiction and trial be treated as an offence against the Slave Trade Act, 1873. 36 & 37 Vict. c. 88.

(4) Nothing in this section shall affect the laws relating to the government of His Majesty's Naval, Military or Air Forces.

Provisions as to taking of depositions, and caution to and statement of accused on proceedings before examining justices. 11 & 12 Vict. c. 42.

12.—(1) Where any person is charged before examining justices with an indictable offence, the justices shall, as soon as may be after the examination of each witness for the prosecution has been concluded, cause the deposition of that witness to be read to him in the presence and hearing of the accused, and shall cause him to sign the deposition, and shall forthwith bind him over to attend the trial in manner directed by section twenty of the Indictable Offences Act, 1848, as amended by this Act.

(2) Immediately after the last witness for the prosecution has been bound over to attend the trial, the examining justices shall read the charge to the accused and explain the nature thereof to him in ordinary language, and inform him that he has the right to call witnesses and, if he so desires, to give evidence on his own behalf.

After so doing the examining justices shall then address to him the following words or words to the like effect—

> 'Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence upon your trial.'

(3) Before the accused makes any statement in answer to the charge, the examining justices shall state to him and give him clearly to understand that he has nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to him to induce him to make any admission or confession of his guilt, but that whatsoever he then says may be given in evidence on his trial notwithstanding the promise or threat.

(4) Whatever the accused states in answer to the charge shall be taken down in manner shown in a form to be prescribed by rules made under this Act in substitution for Form N. in the Schedule to the Indictable Offences Act, 1848, and shall be read over to the accused, and signed by the examining justices and also, if he so

desires, by him, and shall be transmitted to the court of trial with the depositions of the witnesses in manner provided in section twenty of the said Act.

On the trial the statement of the accused taken down as aforesaid, and whether signed by him or not, may be given in evidence without further proof thereof, unless it is proved that the examining justices purporting to sign the statement did not in fact sign it.

(5) Immediately after complying with the requirements of this section relating to the statement of the accused, and whether the accused has or has not made a statement, the examining justices shall ask the accused whether he desires to give evidence on his own behalf and whether he desires to call witnesses.

If the accused in answer to the question states that he wishes to give evidence but not to call witnesses, the justices shall proceed to take forthwith the evidence of the accused, and after the conclusion of the evidence of the accused his counsel or solicitor shall be heard on his behalf if he so desires.

If the accused in answer to the question states that he desires to give evidence on his own behalf and to call witnesses, or to call witnesses only, the justices shall proceed to take either forthwith, or, if a speech is to be made by counsel or solicitor on behalf of the accused, after the conclusion of that speech, the evidence of the accused, if he desires to give evidence himself, and of any witness called by him who knows anything relating to the facts and circumstances of the case or anything tending to prove the innocence of the accused.

All statements made by the accused and all evidence given by him or any such witness as aforesaid (not being a witness merely to the character of the accused) under this subsection shall be taken down in writing and shall be transmitted to the court of trial, together with the depositions of the witnesses for the prosecution, and the provisions of subsection (1) of this section shall apply in the case of witnesses for the defence as they apply in the case of witnesses for the prosecution, except that the justices shall not bind over to attend the trial any witness who is a witness merely to the character of the accused.

(6) Nothing contained in this section shall prevent the prosecutor in any case from giving in evidence at the trial any admission or confession or other statement of

the accused made at any time which is by law admissible as evidence against the accused.

(7) The depositions taken in connection with any charge for an indictable offence shall be signed by the justices before whom they are taken in such manner as may be directed by rules made under this Act, and where any such charge is enquired into by two or more examining justices, the deposition of a witness or the statement of the accused shall for all purposes be deemed to be sufficiently signed if signed by any one of those justices.

(8) The examining justices shall, notwithstanding anything in the Indictable Offences Act, 1848, before determining whether they will or will not commit an accused person for trial, take into consideration his statement or any such evidence as is given in pursuance of this section by him or his witnesses.

Binding over of witnesses conditionally and reading of depositions at trial.

13.—(1) Where any person charged before examining justices with an indictable offence is committed for trial and it appears to the justices, after taking into account anything which may be said with reference thereto by the accused or the prosecutor, that the attendance at the trial of any witness who has been examined before them is unnecessary by reason of anything contained in any statement by the accused, or of the accused having pleaded guilty to the charge or of the evidence of the witness being merely of a formal nature, the justices shall, if the witness has not already been bound over, bind him over to attend the trial conditionally upon notice given to him and not otherwise, or shall, if the witness has already been bound over, direct that he shall be treated as having been bound over to attend only conditionally as aforesaid, and shall transmit to the court of trial a statement in writing of the names, addresses and occupations of the witnesses who are, or who are to be treated as having been bound over to attend the trial conditionally.

(2) Where a witness has been, or is to be treated as having been bound over conditionally to attend the trial, the prosecutor or the person committed for trial may give notice at any time before the opening of the assizes or quarter sessions to the clerk to the examining justices and at any time thereafter to the clerk of assize or the clerk of the peace, as the case may be, that he desires the witness to attend at the

trial, and any such clerk to whom any such notice is given shall forthwith notify the witness that he is required so to attend in pursuance of his recognizance.

The examining justices shall on committing the accused for trial inform him of his right to require the attendance at the trial of any such witness as aforesaid, and of the steps which he must take for the purpose of enforcing such attendance.

(3) Where any person has been committed for trial for any offence, the deposition of any person taken before the examining justices may, if the conditions hereinafter set out are satisfied, without further proof be read as evidence on the trial of that person, whether for that offence or for any other offence arising out of the same transaction, or set of circumstances, as that offence.

The conditions hereinbefore referred to are the following:—

(*a*) The deposition must be the deposition either of a witness whose attendance at the trial is stated to be unnecessary in accordance with the provisions of this section, or of a witness who is proved at the trial by the oath of a credible witness to be dead or insane, or so ill as not to be able to travel, or to be kept out of the way by means of the procurement of the accused or on his behalf:

(*b*) It must be proved at the trial, either by a certificate purporting to be signed by the justice before whom the deposition purports to have been taken or by the clerk to the examining justices, or by the oath of a credible witness, that the deposition was taken in the presence of the accused and that the accused or his counsel or solicitor had full opportunity of cross-examining the witness:

(*c*) The deposition must purport to be signed by the justice before whom it purports to have been taken:

Provided that the provisions of this subsection shall not have effect in any case in which it is proved—

(i) That the deposition, or, where the proof required by paragraph (*b*) of this subsection is given by means of a certificate, that the certificate, was not in fact signed by the justice by whom it purports to have been signed; or

(ii) Where the deposition is the deposition of a witness whose attendance at the trial is stated to be unnecessary as aforesaid, that the witness has been duly notified that he is required to attend the trial.

(4) A witness whose attendance at the trial is stated to be unnecessary in accordance with the provisions of this section shall not be required to attend before the grand jury, and his deposition may be read as evidence before the grand jury.

(5) Any documents or articles produced in evidence before the examining justices by any witness whose attendance at the trial is stated to be unnecessary in accordance with the provisions of this section and marked as exhibits shall, subject to the provisions of section five of the Prosecution of Offences Act, 1879 (which relates to delivery of documents to the Director of Public Prosecutions), and unless in any particular case the justices otherwise order, be retained by the justices and forwarded with the depositions to the court of trial. 42 & 43 Vict. c. 22.

Power of justices to commit to, and of court to direct re-trial at, convenient assizes or quarter sessions.

14.—(1) The justices before whom any person is charged with an indictable offence, may, instead of committing him to be tried at the assizes or quarter sessions for a place to which but for this section he might have been committed, commit him to be tried at the assizes for some other place or (if the offence is within the jurisdiction of a court of quarter sessions) at the quarter sessions for some other place if it appears to them, having regard to the time when and the place where the last-mentioned assizes or quarter sessions are to be held, to be more convenient to commit the accused person to those assizes or quarter sessions with a view either to expediting his trial or saving expense:

Provided that the power given by this subsection shall not be exercised—

(*a*) unless the examining justices are satisfied at the date of the committal that the next assizes or quarter sessions to which but for this section he might have been committed will not be held within one month from that date; or

(*b*) in any case in which the accused satisfies the examining justices that he would, if the power were exercised, suffer hardship.

(2) Where for any reason whatsoever the trial of a person who has been committed to be tried for an indictable offence before a court of assize or quarter sessions for any place is either not proceeded with or not brought to a final conclusion before that court, it shall be lawful for that court, if in its discretion it thinks it convenient so to do with a view either to expediting the trial or re-trial or the saving of expense or otherwise and is satisfied that the accused will not thereby suffer hardship, to direct that the trial or re-trial of the accused shall take place before a court of assize, or (if the offence is within the jurisdiction of a court of quarter sessions) before a court of quarter sessions, for some other place.

(3) His Majesty may from time to time by Order in Council make such provisions as to the jurisdiction of the court of trial and the attendance, jurisdiction, authority and duty of sheriffs, coroners, justices, gaolers, officers, jurors and persons, the use of any prison, the removal of prisoners, the alteration of any commissions, writs, precepts, indictments, recognizances, proceedings and documents, the transmission of recognizances, inquisitions, depositions (including exhibits thereto), and documents, and the expenses of maintaining and removing prisoners, as seem necessary or expedient for the purposes of the foregoing provisions of this section.

(4) Where a person is to be tried or re-tried by any court by which he could not have been tried but for the foregoing provisions of this section, any costs payable in the case under the Costs in Criminal Cases Act, 1908, shall in the first instance be paid in the same manner as if the offence had been committed in the county or borough in which the offender is tried, but shall be recoverable by the treasurer of that county or borough from the treasurer of the county or borough in which the offence was committed.

8 Edw. 7. c. 15.

(5) Where any person who is to be committed for trial before any court of quarter sessions for any county or borough is to be admitted to bail, the examining justices may, if the next quarter sessions for that county or borough are to be held within five days of the date of committal, commit the accused person to the next quarter sessions but one:

Provided that the power given by this subsection shall not be exercised unless the next quarter sessions but one are due to be held within eight weeks of the date of committal.

Provision for continuance of criminal trial where a juror dies or becomes incapable.

15. Where in the course of a criminal trial any member of the jury dies or is discharged by the court as being through illness incapable of continuing to act or for any other reason, the jury shall nevertheless, subject to assent being given in writing by or on behalf of both the prosecutor and the accused and so long as the number of its members is not reduced below ten, be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly.

Amendments of Criminal Appeal Act, 1907. 7 Edw. 7. c. 23.

16.—(1) An application to the Attorney-General under subsection (6) of section one of the Criminal Appeal Act, 1907, for a certificate authorising an appeal to the House of Lords from the decision of the Court of Criminal Appeal, shall be made within a period of seven days from the date when the decision of the court was given.

(2) Where the Court of Criminal Appeal has allowed an appeal against conviction and the prosecutor gives notice to the court immediately after the decision of the court has been given on the appeal that he intends to apply to the Attorney-General for such a certificate as aforesaid, the court may make an order providing for the detention of the defendant, or directing that the defendant shall not be released except on bail, until either the Attorney-General has refused to grant the certificate or a decision on the appeal has been given by the House of Lords, as the case may be.

(3) The power to make rules of court conferred by section eighteen of the Criminal Appeal Act, 1907, shall include power to make rules for the purpose of carrying this section into effect.

Rules with respect to procedure of examining justices.

17. The Lord Chancellor may, subject to the express provisions of this and of any other Act, make rules for regulating the practice and procedure of examining justices on or in relation to proceedings for indictable offences, and with respect to the forms to be used in connection with any such proceedings, and generally for carrying into effect the enactments relating to such

proceedings, and provision may be made by such rules for revoking or amending any forms which are directed or authorised by any statute to be used in connection with any such proceedings, and for substituting new forms for any of such forms.

Quarter Sessions.

Extension of criminal jurisdiction of quarter sessions.

18. Notwithstanding anything to the contrary in any Act, a court of quarter sessions shall, in addition to such jurisdiction with respect to the trial of offences as is vested in courts of quarter sessions at the commencement of this Act, have jurisdiction to try a person charged with any of the offences specified in the First Schedule to this Act.

Power to dispense with grand jury at quarter sessions where all persons committed have pleaded guilty. 10 & 11 Geo. 5. c. 81. 8 Edw. 7. c. 41.

19.—(1) If by the fifth day preceding the day appointed for holding any quarter sessions no persons have been committed for trial at the sessions except persons in respect of whom a certificate has been transmitted in pursuance of section four of the Administration of Justice Act, 1920, stating that they have pleaded guilty or admitted the truth of the charge, there shall be deemed to be no business requiring the attendance of grand jurors at that sessions, and the provisions of the Assizes and Quarter Sessions Act, 1908, shall apply accordingly.

(2) In any case to which this section applies an indictment against any person for the offence in respect of which he was committed for trial may be presented to the court without having been found by a grand jury, and, where an indictment is so presented, it shall be proceeded with in the same manner as it would have been proceeded with before the commencement of this Act, and all enactments and rules of law relating to procedure in connection with indictable offences shall have effect accordingly.

(3) An indictment against any person presented to a court of quarter sessions in pursuance of this section may contain, in addition to the counts for the offences specified in the caption of the depositions, any further counts founded on facts or evidence disclosed in any examination or deposition taken before a justice in the presence of the accused.

A court of quarter sessions may in any case direct any such further counts as aforesaid to be added to any indictment presented to the court.

(4) Rules may be made under the Indictments Act, 1915, for carrying this section into effect, and in particular for modifying, so far as is necessary for the purpose of this section, any enactment, including any statutory form, and for applying with the necessary modifications the provisions of section three of the Indictable Offences Act, 1848, relating to certificates of an indictment having been found. 5 & 6 Geo. 5. c. 90. 11 & 12 Vict. c. 42.

Court of quarter sessions on appeal to state case on point of law.

20.—(1) After the determination by a court of quarter sessions of any appeal against a conviction by a court of summary jurisdiction or the sentence imposed on such a conviction, either party to the proceedings may, if dissatisfied with the determination of the court of quarter sessions as being erroneous in point of law, make an application in writing to the court of quarter sessions at any time within seven days after the date of the determination of the appeal to have a case stated for the opinion of the High Court on the point of law.

Any such application may be made by delivering it to the clerk of the peace, and for the purpose of the making of any such application, the court of quarter sessions shall, if and so far as necessary, be deemed to have been adjourned until the next subsequent sitting of the court.

(2) The applicant shall, before the case is stated and delivered to him by the court of quarter sessions, enter before a justice having jurisdiction in the county or place for which the court of quarter sessions acts into a recognizance, with or without sureties and in such sum as the justice considers proper, having regard to the means of the applicant, conditioned to prosecute the appeal without delay and to submit to the judgment of the High Court, and pay such costs as may be awarded by that court, and the applicant shall before the case is delivered to him pay to the clerk of the peace his fees for and in respect of the case, and to the clerk to the justices his fee for and in respect of the recognizances.

(3) If a court of quarter sessions is of opinion that an application under this section is frivolous, it may

refuse to state a case, and where the court does so it shall, if the applicant so requires, cause the clerk of the peace to deliver to him a certificate of the refusal, and the reasons for the refusal shall be stated in the certificate:

Provided that the court shall not refuse to state a case where the application is made by or on behalf of the Attorney-General.

(4) Where a court of quarter sessions refuses to state a case, the applicant may apply to the High Court for a rule calling on the court of quarter sessions and the other party to the proceedings to show cause why a case should not be stated, and the High Court may make such order on the application as the High Court thinks fit.

Power to enter appeal for adjourned or intermediate sessions. 42 & 43 Vict. c. 49.

21. An appeal under section thirty-one of the Summary Jurisdiction Act, 1879 (which regulates the procedure on appeals from courts of summary jurisdiction), may be entered for hearing at a court of quarter sessions held by adjournment (unless it is a court held by adjournment for some particular area only which does not comprise the area in respect of which jurisdiction is exercised by the court from which the appeal is brought), or at an intermediate court of general sessions, and the expression "the next practicable court of general or quarter sessions" in paragraph (1) of that section shall be construed accordingly.

Times for holding county quarter sessions. 11 Geo. 4. & 1 Will. 4. c. 70.

22.—(1) General quarter sessions of the peace for any county shall, instead of being held at the times prescribed by section thirty-five of the Law Terms Act, 1830, be held at such times within the period of twenty-one days immediately preceding or immediately following the twenty-fifth day of March, the twenty-fourth day of June, the twenty-ninth day of September and the twenty-fifth day of December in every year as the court of quarter sessions for the county or the justices of the county assembled at a special meeting (which special meeting they are hereby authorised to hold) may from time to time fix.

(2) In this section the expression "county" includes a riding, division or part of a county for which a separate

court of quarter sessions is held, but does not include the County of London or a county of a city or a county of a town.

Amendment of County of Hertford Acts, 1874 and 1878. 37 & 38 Vict. c. 45; 41 & 42 Vict. c. 50.

23.—(1) The justices of the peace for the county of Hertford shall in every year hold, alternately within the Hertford division and within the Liberty of St. Alban division of the said county, courts of general or quarter sessions of the peace for the whole county of Hertford:

(*a*) An Epiphany session within the Hertford division within the period of twenty-one days immediately preceding or immediately following the twenty-fifth day of December;

(*b*) An Easter session within the Liberty of St. Alban division within the period of twenty-one days immediately preceding or immediately following the twenty-fifth day of March;

(*c*) A Midsummer session within the Hertford division within the period of twenty-one days immediately preceding or immediately following the twenty-fourth day of June;

(*d*) A Michaelmas session within the Liberty of St. Alban division within the period of twenty-one days immediately preceding or immediately following the twenty-ninth day of September.

(2) The said justices shall, on each occasion after holding in pursuance of the foregoing provisions of this section a session in one of the said divisions of the county, hold a session by adjournment in the other of the said divisions, and may at any time, whether before or after the adjourned sessions to be held under this subsection, hold such other sessions by adjournment in either of the said divisions as they may consider necessary for the purpose of disposing of any business requiring to be disposed of.

(3) Every court held under this section shall be a court of quarter sessions for the whole county of Hertford, and shall have power to hear, determine, and dispose of all business accordingly, including any business pending in either of the two divisions of the said county at the commencement of this Act.

(4) The justices in the Hertford division assembled shall from time to time at sessions held under this section in that division elect persons to act as chairman and deputy chairman of the court of quarter sessions of the county of Hertford when the court is sitting within the Hertford division, and the justices in the Liberty of St. Alban division assembled shall from time to time at sessions held under this section in that division elect persons to act as chairman and deputy chairman of the said court when the court is sitting within the Liberty of St. Alban division.

(5) Section five of the County of Hertford Act, 1878, shall have effect as though for the references to the Hertford division quarter sessions and the St. Alban division quarter sessions there were respectively substituted references to the sessions for the county of Hertford held under this Act within the Hertford division and the sessions for the said county so held within the Liberty of St. Alban division.

Summary Jurisdiction.

Summary trial of indictable offences.

24.—(1) Where a person who is an adult is charged before a court of summary jurisdiction with an indictable offence, being one of the offences specified in the Second Schedule to this Act, the court, if it thinks it expedient so to do, having regard to any representation made in presence of the accused by or on behalf of the prosecutor, the character and antecedents of the accused, the nature of the offence, the absence of circumstances which would render the offence one of a grave or serious character and all the other circumstances of the case (including the adequacy of the punishment which a court of summary jurisdiction has power to inflict), and if the accused, when informed by the court of his right to be tried by a jury, consents to be dealt with summarily, may, subject to the provisions of this section, deal summarily with the offence, and, if the accused pleads guilty to, or is found guilty of, the offence charged, may sentence him to be imprisoned for any term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine:

Provided that—

(*a*) where a case affects the property or affairs of His Majesty or of a public body as defined by

section seven of the Public Bodies Corrupt Practices Act, 1889, as amended by any other Act, the court shall not deal with the case summarily without the consent of the prosecutor; and 52 & 53 Vict. c. 69.

(*b*) where the prosecution is being carried on by the Director of Public Prosecutions, the court shall not deal with the case summarily without the consent of the Director; and

(*c*) where a person pleads guilty to, or is found guilty of, any offence of inciting to commit a summary offence, he shall not be liable to any greater penalty than that to which he would have been liable if he had been found guilty of committing that summary offence.

(2) If a court of summary jurisdiction at any time during the hearing of a charge for such an indictable offence as aforesaid against a person who is an adult becomes satisfied that it is expedient to deal with the case summarily, the court shall thereupon, for the purpose of proceedings under this section, cause the charge to be reduced into writing and read to the accused and shall then address to him a question to the following effect, "Do you desire to be tried by a jury, or do you consent "to the case being dealt with summarily?" with a statement, if the court thinks such a statement desirable for his information, of the meaning of the case being dealt with summarily, and of the assizes or quarter sessions, as the case may be, at which he will be tried, if tried by a jury, and if the accused consents to be dealt with summarily, shall forthwith ask him the following question, "Do you plead guilty or not guilty?"

(3) Any enactments in force at the commencement of this Act which relate to the summary trial of indictable offences or which refer to indictable offences which are triable summarily shall, subject to the provisions of this section, be construed, as the case may be, as applying to the summary trial of indictable offences under this section or as referring to all indictable offences which are triable summarily thereunder.

(4) In this section the expression "adult" means a person who is, in the opinion of the court before which he is charged, of the age of sixteen years or upwards.

Right of appeal against sentence imposed by court of summary jurisdiction.

25. A person who after pleading guilty or admitting the truth of the information is convicted of any offence by a court of summary jurisdiction shall have a right to appeal in manner provided by the Summary Jurisdiction Acts to a court of quarter sessions against his sentence.

Enforcement of recognizances to be of good behaviour. 42 & 43 Vict. c. 49.

26.—(1) Subsection (2) of section nine of the Summary Jurisdiction Act, 1879 (which relates to the enforcing by courts of summary jurisdiction of recognizances to keep the peace or to be of good behaviour), shall have effect as though there were inserted therein after the words "a "breach of the condition of the same" the words "or in "the case of a recognizance conditioned to be of good "behaviour, upon proof that the person bound as "principal has since the date of the recognizance been "guilty of conduct which is a breach of the condition."

(2) Where a surety to a recognizance to keep the peace or to be of good behaviour has reason to suspect that the person bound as principal has been or is about to be guilty of conduct which was or would be a breach of the conditions of the recognizance, he may lay an information before any justice of the peace having jurisdiction either in the place in which the said person is or is believed by the informant to be or in the place where the court by which the recognizance was ordered to be entered into was held, and that justice may thereupon, if in his discretion he thinks fit, issue a warrant or summons against the said person.

The court before which the said person is brought under any such warrant or before which he appears in answer to any such summons may, as it thinks fit, either order him to enter into a fresh recognizance, with or without sureties, or deal with him in the same manner as if he were a person who had failed to comply with an order to enter into a recognizance and find sureties to keep the peace or to be of good behaviour, and shall in either case order that the first mentioned recognizance shall be discharged.

Consecutive sentences of imprisonment.

27. Where a person has been sentenced by a court of summary jurisdiction to imprisonment in default of payment of a fine, the court may, notwithstanding anything in any enactment, order that the sentence shall begin at the expiration of any term of imprisonment imposed for that offence on that person in addition to the fine.

28.—(1) Section three of the Perjury Act, 1911 (which relates to false statements as to marriages) shall have effect as though at the end of subsection (1) thereof there were inserted the words "and on summary conviction thereof shall be liable to a penalty not exceeding fifty pounds." Summary proceedings for offence under s. 3, and amendments of ss. 3 and 4, of Perjury Act, 1911. 1 & 2 Geo. 5. c. 6.

(2) A person convicted summarily of an offence under section four of the Perjury Act, 1911 (which relates to false statements as to births or deaths), shall be liable to a penalty not exceeding fifty pounds.

(3) Summary proceedings for an offence under the said section three or under the said section four may, notwithstanding any provision of the Summary Jurisdiction Acts, be instituted at any time within twelve months after the commission of the offence.

29. Where a warrant of distress is issued under section six hundred and ninety-three of the Merchant Shipping Act, 1894, for the purpose of levying any amount ordered to be paid on the conviction of the master of a ship, section twenty of the Summary Jurisdiction Act, 1848 (which authorises the detention of a defendant pending the return to a warrant of distress), shall apply as though the distress were to be levied on the goods of the defendant. Application of s. 20 of 11 & 12 Vict. c. 43. where distress warrant issued under s. 693 of 57 & 58 Vict. c. 60. 11 & 12 Vict. c. 43.

30. Notwithstanding anything in section six hundred and eighty of the Merchant Shipping Act, 1894 (which relates to the prosecution of offences under the Merchant Shipping Acts), any offence whatsoever under section ten of the Merchant Shipping Act, 1906 (which relates to the carrying of wood goods as deck cargo), may be prosecuted summarily. Summary proceedings for offences under s. 10 of 6 Edw. 7. c. 48.

Issue of Process by Justices.

31.—(1) Where it appears to any justice necessary or expedient, with a view to the better administration of justice, that any person charged with any indictable offence, or with a summary offence, should be tried jointly with or in the same place as some other person who is charged with an indictable offence or a summary offence, as the case may be, and who is in custody or is being or is Provisions as to issue of process by justices in case of persons outside jurisdiction.

to be proceeded against within the jurisdiction of that justice, he may, notwithstanding that the person so charged is not within that jurisdiction, issue a summons or a warrant against him.

Where a person charged with a summary offence or an offence which may be dealt with summarily is brought to any place under a warrant issued under this subsection, or appears in any place in answer to a summons so issued, a court of summary jurisdiction having jurisdiction in that place shall have the same power to hear and dispose of the charge as the court would have had if the offence had been committed within the jurisdiction of the court.

(2) Where an offence punishable on summary conviction has been committed, or is suspected of having been committed, by any person who is residing or being, or is believed to reside or be, within the jurisdiction of any justice, that justice shall have power to issue a warrant of any description in the case in the same manner as if the offence had been committed within his jurisdiction:

Provided that every warrant so issued for the arrest of any person shall direct that the offender shall when apprehended be taken before a court of summary jurisdiction having jurisdiction to deal with the case.

(3) Any warrant lawfully issued by a justice for compelling the appearance of any person or for apprehending any person charged with an offence, whether punishable on summary conviction or on indictment, and any warrant of commitment, search-warrant or warrant of distress, lawfully issued by a justice, may be executed in any county or place in England or Wales outside the jurisdiction of the justice by whom it was issued in the same manner as if it had been originally issued by a justice having jurisdiction in that county or place, and the execution may be effected either by any person to whom the warrant was originally directed or by any constable of that county or place, and in the case of a warrant of commitment the person apprehended may be conveyed either to the prison mentioned in the warrant or to any other prison.

(4) The power of a justice under section sixteen of the Indictable Offences Act, 1848, and under section seven

of the Summary Jurisdiction Act, 1848, to issue process for the purpose of obtaining the attendance as a witness of any person within the jurisdiction of the justice, and under section twenty-nine of the Criminal Justice Administration Act, 1914, to summon and require any such person to attend as a witness and to produce such books, plans, papers, documents, articles, goods and things as are mentioned in the said section, shall be extended so as to authorise the issue of such process in the case of a person who though not within the jurisdiction of the justice is in any county or place in England or Wales. 11 & 12 Vict. c. 43. 4 & 5 Geo. 5. c. 58.

Miscellaneous.

Form of documents in criminal proceedings before justices.

32.—(1) Every information, complaint, summons, warrant or other document laid, issued or made for the purpose of or in connection with any proceedings before examining justices or a court of summary jurisdiction for an offence, shall be sufficient if it contains a statement of the specific offence with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

(2) The statement of the offence shall describe the offence shortly in ordinary language, avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the offence, and, if the offence charged is one created by statute, shall contain a reference to the section of the statute creating the offence.

(3) After the statement of the offence, necessary particulars of the offence shall be set out in ordinary language, in which the use of technical terms shall not be required.

(4) Any information, complaint, summons, warrant or other document to which this section applies which is in such form as would have been sufficient in law if this Act had not passed shall notwithstanding anything in this section continue to be sufficient in law.

Procedure on charge of offence

33.—(1) Where a corporation is charged, whether alone or jointly with some other person, with an indictable offence, the examining justices may, if they are of

against corporation.

opinion that the evidence offered on the part of the prosecution is sufficient to put the accused corporation upon trial, make an order empowering the prosecutor to present to the grand jury at assizes or quarter sessions, as the case may be, a bill in respect of the offence named in the order, and for the purpose of any enactments referring to committal for trial (including this Act) any such order shall be deemed to be a committal for trial:

Provided that—

(*a*) Where the offence is an offence which in the case of an adult may be dealt with summarily and the corporation does not appear before the examining justices by a representative or, if it does so appear, consents that the offence should be so dealt with, the justices may deal with the offence summarily; and

(*b*) If the corporation appears before the examining justices by a representative, any answers to the questions to be put under the section of this Act which re-enacts with modifications the provisions of section eighteen of the Indictable Offences Act, 1848, may be made on behalf of the corporation by that representative, but if the corporation does not so appear it shall not be necessary to put the questions, and the examining justices may, notwithstanding, make an order under this subsection.

(2) Where any person is charged jointly with a corporation with any offence and either that person or the corporation by its representative does not consent that the offence (being an indictable offence) should be dealt with summarily, or either that person or the corporation claims (if the offence is a summary offence) to be tried by a jury, the examining justices or the court of summary jurisdiction, as the case may be, shall not have power to deal summarily with the offence in the case of the other offender.

(3) Where the grand jury at any assizes or quarter sessions return a true bill against a corporation in respect of any offence, the corporation may, on arraignment before the court of assize or the court of quarter

sessions, as the case may be, enter in writing by its representative a plea of guilty or not guilty, and if either the corporation does not appear by a representative or, though it does so appear, fails to enter as aforesaid any plea, the court shall order a plea of not guilty to be entered and the trial shall proceed as though the corporation had duly entered a plea of not guilty.

(4) Provision may be made by rules under the Indictments Act, 1915, with respect to the service on any corporation charged with an indictable offence of any documents requiring to be served in connection with the proceedings, except in so far as such provision may be made by rules to be made under the section of this Act giving power to make rules with respect to the procedure of examining justices. 5 & 6 Geo. 5. c. 90.

(5) Where a corporation is charged with an offence in the case of which an individual is entitled under section seventeen of the Summary Jurisdiction Act, 1879, to claim to be tried by a jury, a claim to be so tried may be made on behalf of the corporation by its representative, and the said section seventeen shall apply accordingly, and where the corporation does not appear by a representative or no such claim is made on behalf of the corporation the court may, subject to the provisions of this section, deal with the case summarily as if the offence were an offence to which the said section did not apply.

(6) In this section the expression "representative" in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this section authorised to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose.

A representative for the purposes of this section need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section shall be

admissible without further proof as prima facie evidence that that person has been so appointed.

Fiats and consents of Attorney-General, &c., to be admissible in evidence.

34. Any document purporting to be the fiat, order or consent of the Attorney-General, the Solicitor-General, the Director of Public Prosecutions, the Postmaster-General or the Board of Control respectively, for or to the institution of any criminal proceedings or the institution of criminal proceedings in any particular form, and to be signed by the Attorney-General, the Solicitor-General, the Director of Public Prosecutions or an Assistant Director of Public Prosecutions, the Postmaster-General or a Commissioner or the Secretary of the Board of Control, as the case may be, shall be admissible as prima facie evidence without further proof.

PART III.

AMENDMENTS AS TO OFFENCES.

Amendment of ss. 1 and 18 of Forgery Act, 1913. 3 & 4 Geo. 5. c. 27.

35.—(1) For the purpose of removing doubts, it is hereby declared that a document may be a false document for the purposes of the Forgery Act, 1913, notwithstanding that it is not false in any such manner as is described in subsection (2) of section one of that Act.

(2) The Forgery Act, 1913, shall have effect as though in the definition of "valuable security" in section eighteen thereof there were inserted after the words "security for the payment of money" the words "or any authority or "request for the payment of money or for the delivery or "transfer of goods or chattels."

Forgery of passport.

36.—(1) The forgery of any passport, or the making by any person of a statement which is to his knowledge untrue for the purpose of procuring a passport, whether for himself or any other person, shall be a misdemeanour punishable with imprisonment not exceeding two years or a fine not exceeding one hundred pounds or both such imprisonment and fine.

(2) In this section the expression "forgery" has the same meaning as in the Forgery Act, 1913.

Unlawful possession of pension documents.

37.—(1) If any person receives, detains or has in his possession any document to which this section applies as a pledge or a security for a debt or with a view to obtaining payment from the person entitled thereto of a

debt due either to himself or to any other person, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(2) This section applies to certificates or official documents evidencing or issued in connection with the right of persons to pensions or allowances payable out of any grant which may be made out of the Consolidated Fund of the United Kingdom in pursuance of any Act for civil non-effective services.

Imitation, &c. of currency or bank notes.

38.—(1) If any person makes, or causes to be made, or uses for any purpose whatsoever, or utters, any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive, any currency or bank note, or any part thereof, he shall be guilty of an offence against this section and shall be liable on summary conviction to a fine not exceeding five pounds, and it shall be lawful for the court dealing with the case to order the document in respect of which the offence was committed, and any copies of that document, or any plates, blocks, dies or other instruments used for, or capable of being used for, printing or reproducing any such document which are in the possession of the offender to be destroyed.

(2) If any person whose name appears on any document the making of which is an offence under this section refuses, without lawful excuse, to disclose to a police officer on being so required the name and address of the person by whom it was printed or otherwise made, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(3) Where the name of any person appears on any document in respect of which any person is charged with an offence under subsection (1) of this section, or on any other document used or distributed in connection with that document, it shall be prima facie evidence that that person caused the document to be made.

(4) In this section the expression "currency note" means a currency note issued under the Currency and Bank Notes Act, 1914, and includes any note of a similar character, by whatever name called, issued by or on behalf of the government of any foreign state or any

part of His Majesty's Dominions outside the United Kingdom, and the expression "bank note" has the same meaning as in the Forgery Act, 1913.

Amendment of ss. 42 and 43 of Offences against the Person Act, 1861. 24 & 25 Vict. c. 100.

39.—(1) Where a person has been convicted by a court of summary jurisdiction of an offence under section forty-two of the Offences against the Person Act, 1861 (which imposes a penalty on persons committing any common assault or battery) he shall instead of being liable to a fine not exceeding, together with costs, the sum of five pounds, be liable to a fine not exceeding five pounds in addition to any costs which the court may order him to pay.

(2) The fine to which a person shall be liable on conviction by a court of summary jurisdiction for an offence under section forty-three of the Offences against the Person Act, 1861 (which imposes a penalty on persons committing an aggravated assault), shall, instead of being a fine not exceeding together with costs the sum of twenty pounds, be a fine not exceeding the sum of fifty pounds, and the offender shall in addition be liable to pay any costs which the court may order him to pay.

(3) A court of summary jurisdiction by which any person is convicted of an offence under either of the enactments mentioned in this section may, in addition to imposing any penalty, order the offender to enter into a recognizance, with or without sureties, to keep the peace or to be of good behaviour for a period not exceeding twelve months.

Penalty for drunkenness while in charge of motor car.

40.—(1) Any person who is drunk while in charge on any highway or other public place of any mechanically-propelled vehicle shall, on summary conviction, be liable in respect of each offence to imprisonment for a period not exceeding four months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

3 Edw. 7. c. 36.

(2) A person convicted under the preceding subsection shall (without prejudice to the power of the court under section four of the Motor Car Act, 1903, to order a longer period of disqualification) be disqualified for holding a licence for a period of twelve months from the date of the conviction, and any licence held by him shall, so long as the disqualification continues, be of no effect.

The court shall cause particulars of any such conviction and of the resulting disqualification to be endorsed upon any licence held by the person convicted, and shall send notice of the conviction to the council by whom the licence was granted.

(3) If a person who under this section is disqualified for holding a licence applies for or obtains a licence while he is so disqualified, he shall be guilty of an offence under the Motor Car Act, 1903, and any licence so obtained shall be of no effect.

(4) A person who by virtue of a conviction under this section is disqualified for holding a licence, or who, by virtue of an order made under section four of the Motor Car Act, 1903, on his being convicted of an offence, is disqualified for obtaining a licence or whose licence is suspended may, at any time after the expiration of three months from the date of the conviction, apply from time to time to the court before which he was convicted to remove the disqualification or suspension, and on any such application the court may by order, as it thinks proper, having regard to the character of the person convicted and his conduct subsequent to conviction, the nature of the offence, and the other circumstances of the case, either remove the disqualification or suspension as from such date as may be specified in the order or refuse the application, and, if the court order a disqualification or suspension to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, held by the applicant.

(5) In this section the expression "licence" means a licence granted under section three of the Motor Car Act, 1903.

Prohibition on taking photographs, &c., in court.

41.—(1) No person shall—

(*a*) take or attempt to take in any court any photograph, or with a view to publication make or attempt to make in any court any portrait or sketch, of any person, being a judge of the court or a juror or a witness in or a party to any proceedings before the court, whether civil or criminal; or

(*b*) publish any photograph, portrait or sketch taken or made in contravention of the foregoing provisions of this section or any reproduction thereof;

and if any person acts in contravention of this section he shall, on summary conviction, be liable in respect of each offence to a fine not exceeding fifty pounds.

(2) For the purposes of this section—

(*a*) the expression "court" means any court of justice, including the court of a coroner;

(*b*) the expression "judge" includes recorder, registrar, magistrate, justice and coroner:

(*c*) a photograph, portrait or sketch shall be deemed to be a photograph, portrait or sketch taken or made in court if it is taken or made in the court-room or in the building or in the precincts of the building in which the court is held, or if it is a photograph, portrait or sketch taken or made of the person while he is entering or leaving the court-room or any such building or precincts as aforesaid.

Amendment of s. 4 of Vagrancy Act, 1824. 5 Geo. 4. c. 83.

42. The words "in any street, road, or public highway, or in the view thereof, or in any place of public resort," in section four of the Vagrancy Act, 1824, are hereby repealed.

Amendment of s. 15 of Theatres Act, 1843. 6 & 7 Vict. c. 68.

43. So much of section fifteen of the Theatres Act, 1843 (which enacts a penalty for acting plays before they have been allowed or after they have been disallowed by the Lord Chamberlain) as provides that the licence (if any) of a theatre in which an offence under that section is committed shall become absolutely void shall cease to have effect, but the court dealing with any such case may, in their discretion, in addition to imposing a pecuniary penalty under that section, order that the licence, if any, of the theatre in which the offence was committed shall become void or shall be suspended for any specified period.

PART IV.

MISCELLANEOUS AND GENERAL.

Power of arrest under warrant.

44. Any warrant lawfully issued by a justice for apprehending any person charged with any offence may be executed by any constable at any time notwithstanding that the warrant is not in his possession at that time, but

the warrant shall, on the demand of the person apprehended, be shown to him as soon as practicable after his arrest.

Power to release on bail before charge is accepted.

45. The section substituted by section twenty-two of the Criminal Justice Administration Act, 1914, for section thirty-eight of the Summary Jurisdiction Act, 1879, shall have effect as though the following subsection were added thereto:

> "(2) If, on a person being so taken into custody as aforesaid, it appears to the superintendent, inspector or other officer aforesaid that the enquiry into the case cannot be completed forthwith, he may discharge the said person on his entering into a recognizance, with or without sureties for a reasonable amount, to appear at such police station and at such time as is named in the recognizance, unless he previously receives notice in writing from the officer of police in charge of that police station that his attendance is not required, and any such recognizance may be enforced as if it were a recognizance conditioned for the appearance of the said person before the court of summary jurisdiction for the place in which the police station named in the recognizance is situate."

Amendments as to detention in Borstal institutions.

46.—(1) Section ten of the Criminal Justice Administration Act, 1914 (which empowers a court of summary jurisdiction in certain cases to commit an offender to prison until the next quarter sessions, and empowers the court of quarter sessions to sentence the offender to detention in a Borstal institution) shall have effect as though for the words "the next quarter sessions" there were substituted the words "the next assizes or quarter sessions, whichever appears to the court to be more convenient," and as though for the words "court of quarter sessions" wherever they occur in that section there were substituted the words "court of assize or court of quarter sessions, as the case may be."

(2) Where any person is, under the law for the time being in force, sentenced by any court in the Isle of Man or the Channel Islands to detention in a Borstal institution, he may, if the Secretary of State by order so directs, be

removed to and detained in a Borstal institution in England, and if so detained shall, subject as hereinafter provided, be liable to be dealt with in every respect in the same manner as if he had been sentenced under the Prevention of Crime Act, 1908, by a court in England to detention in such an institution :

8 Edw. 7. c. 59.

Provided that—

(*a*) if any person who by virtue of this section has been removed from the Isle of Man or the Channel Islands and is undergoing detention in a Borstal institution is released on licence, he may be placed under the supervision or authority of a society or person in the Isle of Man or the Channel Islands, as the case may be ; and

(*b*) where a licence granted to any such person under the said Act is revoked, he may, if in the Isle of Man or the Channel Islands, without warrant be apprehended therein and removed therefrom to England for the purpose of being taken to the institution, and where any such licence is forfeited the provisions of subsection (5) of section five of the said Act shall apply as if references therein to a court of summary jurisdiction included a reference to any court exercising corresponding jurisdiction in the Isle of Man or the Channel Islands.

Abolition of presumption of coercion of married woman by husband.

47. Any presumption of law that an offence committed by a wife in the presence of her husband is committed under the coercion of the husband is hereby abolished, but on a charge against a wife for any offence other than treason or murder it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of, the husband.

Amendment of Schedule I. of Children Act, 1908. 8 Edw. 7. c. 67.

48. For the purpose of removing doubts, it is hereby declared that the expression "any other offence involving "bodily injury to a child or young person" in the First Schedule to the Children Act, 1908, includes the following offences, that is to say, the murder or manslaughter of a child or young person and infanticide.

Short title, interpretation, extent,

49.—(1) This Act may be cited as the Criminal Justice Act, 1925.

(2) In this Act, unless the context otherwise requires— repeal and commencement.

The expression "examining justices" means the justices before whom a charge is made against any person for an indictable offence, and references to examining justices include a reference to a single examining justice:

The expression "quarter sessions" includes quarter sessions held by adjournment and intermediate general sessions.

(3) This Act shall not extend to Scotland or Northern Ireland, and references therein to warrants issued shall not be construed as including warrants issued elsewhere than in England or Wales.

(4) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(5) This Act, except Part I. thereof, shall come into operation on the first day of June, nineteen hundred and twenty-six, and Part I. of this Act shall come into operation on the first day of July, nineteen hundred and twenty-six.

SCHEDULES.

FIRST SCHEDULE. Section 18.

OFFENCES TRIABLE AT QUARTER SESSIONS.

1. Offences under sections sixteen and seventeen of the Malicious Damage Act, 1861. 24 & 25 Vict. c. 97.

2. Unlawful combinations and conspiracies to cheat and defraud.

3. Offences under section thirteen of the Criminal Law Amendment Act, 1885, as amended by any other enactment, in respect of which the accused claims to be tried with a jury. 48 & 49 Vict. c. 69.

4. Offences under sections fifty to fifty-six of the Post Office Act, 1908. 8 Edw. 7. c. 48.

5. Offences under section five of the Perjury Act, 1911, in relation to statements in statutory declarations. 1 & 2 Geo. 5. c. 6.

1ST SCH. —*cont.*

3 & 4 Geo. 5. c. 27.

6. Offences under paragraph (*a*) of subsection (2) of section two of the Forgery Act, 1913, in relation to any document being an authority or request for the payment of money or for the delivery or transfer of goods and chattels where the amount of the money or the value of the goods or chattels does not exceed twenty pounds, and, under paragraph (*a*) of section seven of that Act, where the amount of the money or the value of the property in respect of which the offence is committed does not exceed twenty pounds, and uttering any forged document the forgery of which is an offence triable at quarter sessions.

6 & 7 Geo. 5. c. 50.

7. Offences under the following provisions of the Larceny Act, 1916, that is to say, section twelve, section eighteen, paragraph (iv) of subsection (1) of section twenty, section twenty-four and subsection (2) of section thirty-three.

Section 24.

SECOND SCHEDULE.

INDICTABLE OFFENCES BY ADULTS WHICH MAY BE DEALT WITH SUMMARILY.

24 & 25 Vict. c. 97.

1. Offences under sections sixteen, twenty, twenty-one and fifty-one of the Malicious Damage Act, 1861, as amended by any other enactment.

24 & 25 Vict. c. 99.

2. Misdemeanours under the Coinage Offences Act, 1861.

24 & 25 Vict. c. 100.

3. Offences under sections twenty and forty-seven of the Offences against the Person Act, 1861.

31 & 32 Vict. c. 110.

4. Offences under section twenty of the Telegraph Act, 1868.

32 & 33 Vict. c. 62.

5. Offences under paragraph (1) of section thirteen of the Debtors Act, 1869.

38 & 39 Vict. c. 24.

6. Offences under the Falsification of Accounts Act, 1875.

54 & 55 Vict. c. 38.

7. Offences under section thirteen of the Stamp Duties Management Act, 1891.

8. Offences under sections fifty to fifty-six of the Post Office Act, 1908.

9. Offences under section five of the Perjury Act, 1911, in relation to statements in statutory declarations.

2nd Sch. —*cont.*

10. Offences under paragraph (*a*) of subsection (2) of section two of the Forgery Act, 1913, in relation to any document being an authority or request for the payment of money or for the delivery or transfer of goods and chattels, where the amount of the money or the value of the goods or chattels does not exceed twenty pounds, and, under paragraph (*a*) of section seven of that Act, where the amount of the money or the value of the property in respect of which the offence is committed does not exceed twenty pounds.

24 & 25 Vict. c. 96.

11. Offences under section twenty-seven of the Larceny Act, 1861, or under the following provisions of the Larceny Act, 1916, viz. :—

Sections two, four, five, eight, nine, ten and twelve, paragraph (*a*) of section thirteen, section fourteen, paragraphs (1) and (2) of section fifteen, section sixteen, paragraphs (1) and (2) of section seventeen, section eighteen, paragraph (1) of section thirty-two, subsections (1) and (2) of section thirty-three, and section thirty-five so far as it applies to the aforesaid sections.

12. Offences under this Act in relation to passports.

13. Attempted suicide.

14. Publishing, exhibiting or selling any indecent or obscene book, writing, picture or model, or any other indecent or obscene article or thing whatsoever, whether similar to the things before mentioned or not.

15. Committing an indecent assault upon a person, whether male or female, who in the opinion of the court is under the age of sixteen years.

16. Offences in relation to stamps issued for the purpose of National Health Insurance or Unemployment Insurance under the provisions of any enactments as applied to those stamps.

17. Aiding, abetting, counselling or procuring the commission of any indictable offence which may be dealt with summarily, or attempting to commit any such offence.

18. Any offence consisting in the incitement to commit a summary offence, and the offence of inciting to commit any indictable offence which may be dealt with summarily.

Section 49.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
36 Edw. 3 -	A Statute made in the Parliament holden at Westminster in the fifteenth of Saint Michael in the thirty-sixth year, Statute the first.	Chapter twelve.
2 Hen. 5 -	Statute the first of the second year of King Henry the Fifth.	In chapter four the words from "that is to say, in the first "week" to the end.
54 Geo. 3. c. 84.	The Quarter Sessions Act, 1814.	The whole Act.
5 Geo. 4. c. 83.	The Vagrancy Act, 1824	In section four the words "in "any street, road, or public "highway, or in the view "thereof, or in any place of "public resort."
11 Geo. 4 & 1 Will. 4. c. 70.	The Law Terms Act, 1830.	Section thirty-five.
5 & 6 Vict. c. 29.	The Pentonville Prison Act, 1842.	In section twenty-eight the words from "either at" to the words "shall be taken."
5 & 6 Vict. c. 38.	The Quarter Sessions Act, 1842.	In section one, paragraph 9.
11 & 12 Vict. c. 42.	The Indictable Offences Act, 1848.	Section eleven except so far as applied by any other provision of the Act, or by any other enactment; in section sixteen the words "within the jurisdiction of such justice", in section seventeen the words from "and if upon the trial" to the end of the section, and section eighteen.
11 & 12 Vict. c. 43.	The Summary Jurisdiction Act, 1848.	In section seven the words "within the jurisdiction of such justice."

3RD SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
24 & 25 Vict. c. 99.	The Coinage Offences Act, 1861.	Section twenty-eight.
24 & 25 Vict. c. 100.	The Offences against the Person Act, 1861.	In section forty-three the words from "and if the justices" to the end of the section, and in section fifty-seven the words "England or" where they secondly occur.
30 & 31 Vict. c. 35.	The Criminal Law Amendment Act, 1867.	Section three.
37 & 38 Vict. c. 45.	The County of Hertford and Liberty of St. Alban Act, 1874.	Sections nine, thirteen, fourteen, fifteen and eighteen.
41 & 42 Vict. c. 50.	The County of Hertford Act, 1878.	Section four.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	Sections twelve, thirteen, and thirty-six, paragraph 1 of section thirty-nine, section forty-five and the First Schedule.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Section two hundred and twenty-three.
62 & 63 Vict. c. 22.	The Summary Jurisdiction Act, 1899.	Section one and the Schedule.
4 Edw. 7. c. 15.	The Prevention of Cruelty to Children Act, 1904.	Section twenty-four.
7 Edw. 7. c. 17	The Probation of Offenders Act, 1907.	As from the first day of July, nineteen hundred and twenty-six, section three.
8 Edw. 7. c. 41.	The Assizes and Quarter Sessions Act, 1908.	Section three.
8 Edw. 7. c. 48.	The Post Office Act, 1908.	In subsection (1) of section seventy-two the words from "either in" to the words "custody or."

3RD SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67	The Children Act, 1908	Subsection (2) of section one hundred and twenty-eight and the Second Schedule.
3 & 4 Geo. 5. c. 27.	The Forgery Act, 1913	Section fourteen.
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act, 1914.	Subsection (1) of section fifteen, in section eighteen the words "or on a plea of guilty", and paragraph (*b*) of subsection (1) of section forty.
6 & 7 Geo. 5. c. 50.	The Larceny Act, 1916	Subsection (1) of section thirty-nine.

CHAPTER 87.

An Act to amend the law relating to Tithe rentcharge and other rentcharges, rents and payments in lieu of Tithe, and the payment of rates thereon; and for other matters connected therewith. [22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

STABILISATION AND SYNCHRONISATION OF DATES OF PAYMENT OF TITHE RENTCHARGE.

Stabilisation of tithe rentcharge.

1.—(1) The sums becoming payable on or after the appointed day in respect of a tithe rentcharge in lieu of being computed in manner prescribed by the Tithe Acts shall be computed on the basis of one hundred and five pounds for every one hundred pounds of tithe rentcharge.

(2) The half-yearly payments on account of a pension under the Incumbents Resignation Acts, 1871 and 1887,

awarded on or after the appointed day, shall not be liable to variation, and as respects any such pension awarded before the appointed day, which under section four of the Incumbents Resignation Act, 1871, Amendment Act, 1887, is variable, any half-yearly payment on account thereof becoming payable on or after the appointed day shall be regulated by the value of tithe rentcharge as fixed by this section, and shall not be liable to variation. 50 & 51 Vict. c. 23.

Synchronising of dates of payment of tithe rentcharge.

2.—(1) Where the dates on which tithe rentcharge is payable are dates other than the first day of April and the first day of October, the dates for payment shall be changed to the first day of April and the first day of October (which dates are hereinafter in this section referred to as the normal half-yearly dates).

(2) For the purpose of effecting such change as aforesaid, nothing in this section shall affect the liability to make the payment in respect of tithe rentcharge on the half-yearly date occurring next after the passing of this Act on which a payment would, apart from this section, have become payable; but on the normal half-yearly date which occurs next after the first-mentioned half-yearly date, a payment in respect of the tithe rentcharge proportionate to the time which has elapsed between the first-mentioned half-yearly date and that normal half-yearly date shall become payable, and thereafter payments shall become due on the normal half-yearly dates.

(3) This section shall apply to rentcharges payable under the Extraordinary Tithe Redemption Act, 1886, in like manner as it applies to tithe rentcharge. 49 & 50 Vict. c. 54.

(4) This section shall come into operation on the passing of this Act.

PART II.

ECCLESIASTICAL TITHE RENTCHARGE.

Transfer to Queen Anne's Bounty of tithe rentcharge attached to benefices

3.—(1) Any tithe rentcharge which immediately before the appointed day is attached to a benefice shall on that day be transferred to, and by virtue of this Act become vested in, Queen Anne's Bounty for all the interest therein so attached, subject to any charge or liability affecting that interest, but without prejudice to the powers of the person in whom the tithe rentcharge was vested to recover and enforce the recovery of any arrears payable before the appointed day.

(2) Any tithe rentcharge so vested in Queen Anne's Bounty shall while so vested be held in trust for the incumbent of the benefice to which it was previously attached, or other the person for the time being entitled to receive the emoluments of the benefice.

Provisions for extinguishment of tithe rentcharge at expiration of 85 years.

4.—(1) For the purpose of the redemption before the expiration of a period of eighty-five years from the appointed day of the tithe rentcharge so vested in Queen Anne's Bounty there shall be payable to Queen Anne's Bounty by way of sinking fund payment in respect of every one hundred pounds of tithe rentcharge so vested the annual sum of four pounds and ten shillings, and such annual sum as aforesaid shall continue payable until the half-yearly date of payment which precedes the expiration of the said period of eighty-five years.

54 & 55 Vict. c. 8.

(2) The annual sum so payable shall for all purposes (including those of section eight of the Tithe Act, 1891) be treated as an addition to and as part of the sums payable in respect of the tithe rentcharge in respect of which it is payable, and all the enactments relating to tithe rentcharge shall apply thereto accordingly :

Provided that such additional sum as aforesaid shall not, for the purposes of the enactments relating to income tax, land tax, or rating, be treated as part of the sums payable in respect of the tithe rentcharge, but shall for those purposes be treated as an instalment of a capital payment.

(3) Where a part of the sum claimed in respect of tithe rentcharge is remitted under section eight of the Tithe Act, 1891, a proportionate part of the amount remitted shall be treated as attributable to the sum payable by way of sinking fund payment and that sum shall be reduced accordingly.

(4) As from the day following the half-yearly date for payment of tithe rentcharge which precedes the expiration of the said period of eighty-five years the land out of which any tithe rentcharge so vested in Queen Anne's Bounty issues shall be absolutely discharged and freed therefrom except so far as there may be then due any arrears in respect thereof.

(5) Nothing in this section shall prevent the redemption or merger of any such tithe rentcharge before the expiration of the said period of eighty-five years.

Application of sums received by Queen Anne's Bounty.

5.—(1) Out of the annual sums received in respect of every one hundred pounds of tithe rentcharge so vested in them, Queen Anne's Bounty shall in each year, subject to the provisions hereinafter contained,—

(*a*) carry four pounds and ten shillings subject to any deduction on account of remission of tithe rentcharge to the sinking fund; and

(*b*) pay the sum of five pounds to the Commissioners of Inland Revenue to be applied by them towards the payment of the sums hereinafter directed to be paid by them on account of rates;

and after deducting the amount of any land tax or other charge to which the tithe rentcharge may be subject, and the sums due on account of the cost of collection, and other outgoings properly attributable to the tithe rentcharge, shall pay the balance to the incumbent of the benefice on account of which the tithe rentcharge is held or other the person for the time being entitled to receive the emoluments of the benefice:

Provided that—

(i) where any such tithe rentcharge is a tithe rentcharge created in lieu of any corn rent or like payment which was free from rates, or a tithe rentcharge which is otherwise free from rates under any local Act, no such payment to the Commissioners of Inland Revenue as aforesaid shall be made in respect thereof; and

(ii) the incumbent of any benefice who was immediately before the expiration of the Ecclesiastical Tithe Rentcharge (Rates) Act, 1920, by virtue of that Act entitled to total exemption from the payment of rates on the tithe rentcharge attached to the benefice may, by notice in writing given to Queen Anne's Bounty before the expiration of three months from the appointed day, require payments into the sinking fund on account of that tithe rentcharge to be postponed; and where such a notice is given, then, for a period of five years after the appointed day, or until a vacancy occurs in the incumbency, whichever

10 & 11 Geo. 5. c. 22

is the shorter period, no payments in respect of that tithe rentcharge shall be carried to the sinking fund; and after that period payments into the sinking fund in respect thereof shall be increased to such amount as may be prescribed by regulations made by Queen Anne's Bounty so framed as to provide that the accumulations in the sinking fund at the expiration of the accumulation period hereinafter mentioned shall be equal to the amount which would have been accumulated if there had been no such postponement.

(2) A certificate from a rating authority that an incumbent has obtained total exemption from rates under the Ecclesiastical Tithe Rentcharge (Rates) Act, 1920, shall, for the purposes of the last preceding proviso, be sufficient evidence that the incumbent was entitled to such an exemption.

Accumulation and application of sinking fund.

6.—(1) The sums carried to the sinking fund under this Part of this Act in respect of any tithe rentcharge shall be accumulated by Queen Anne's Bounty during the accumulation period, or until the redemption or merger of the tithe rentcharge if it is redeemed or merged before the expiration of that period, by the investment in authorised securities of such sums and of the income received or accrued during the accumulation period in respect of such investments.

(2) After the expiration of the accumulation period, Queen Anne's Bounty shall hold the sums accumulated in respect of any tithe rentcharge in trust to invest the same in authorised securities and, subject to any charge thereon, to pay the income thereof to the incumbent of the benefice on account of which the tithe rentcharge in respect of which the accumulations were made was held, or other the person for the time being entitled to receive the emoluments of the benefice:

Provided that, if before the expiration of the accumulation period the tithe rentcharge is redeemed or merged, Queen Anne's Bounty shall hold the sums accumulated in the sinking fund in respect of the tithe rentcharge at the date of the redemption or merger and the sums received for the redemption or merger thereof on the trusts aforesaid.

(3) For the purposes of this Act the expression "accumulation period" means the period commencing on the appointed day and expiring immediately after the last half-yearly date for the payment of tithe rentcharge which precedes the expiration of eighty-five years from the appointed day.

Provisions as to rating.

7.—(1) The amount of any rate made on or after the appointed day which is assessed on the owner of any tithe rentcharge which is vested in Queen Anne's Bounty under this Part of this Act shall not be payable by such owner, but shall, on demand being made by the collector of the rate on the surveyor of taxes for the district, be paid by the Commissioners of Inland Revenue.

(2) There shall in each year be charged on and paid out of the Consolidated Fund or the growing produce thereof to the Commissioners of Inland Revenue such sum as the Treasury may certify to be payable by those Commissioners under this section, after deducting therefrom the amounts payable to them under this Act by Queen Anne's Bounty on account of rates.

(3) There shall be deducted from the moneys payable to the Local Taxation Account in each year the same amount as would, under the Tithe Rentcharge (Rates) Act, 1899, or under that Act as modified by any local Act or Provisional Order, have been paid by the Commissioners of Inland Revenue, and would have been deducted from such moneys as aforesaid, if the tithe rentcharges previously attached to benefices, which by this Part of this Act are vested in Queen Anne's Bounty, had not been so vested.

62 & 63 Vict. c. 17.

(4) Payments to the Commissioners of Inland Revenue under this section shall be made at such times and in such manner as the Treasury may direct.

(5) The surveyor of taxes for the district shall as respects any tithe rentcharge the rates on which are so demandable from him as aforesaid have the like right of making objection to, and appealing against, a valuation of the tithe rentcharge and any rate assessed thereon, and of making proposals for the amendment of a valuation list, and of receiving notices and copies of notices required by the enactments relating to rating

to be served on the owner of the tithe rentcharge, as if he were the owner thereof.

(6) For the purposes of this section, "rate" means a rate the proceeds of which are applicable to local purposes of a public nature and which is leviable on the basis of an assessment in respect of the yearly value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined.

Provisions as to income tax and land tax.

8.—(1) The vesting in Queen Anne's Bounty by virtue of this Part of this Act of any tithe rentcharge shall not, nor shall the postponement under this Act of any payments into the sinking fund or any consequential increase of such payments, affect the amount on which the incumbent of the benefice on account of which the tithe rentcharge is held or other the person for the time being entitled to receive the emoluments of the benefice is liable to pay income tax in respect of tithe rentcharge, but the amount of income tax payable in respect of the tithe rentcharge shall be paid by Queen Anne's Bounty and by them deducted from the sum payable to the incumbent, and the deducting of such amount shall be deemed to be a payment by the incumbent of the tax payable in respect of the sums paid to him by Queen Anne's Bounty under section five of this Act.

(2) Where any tithe rentcharge which by this Part of this Act is vested in Queen Anne's Bounty is subject to land tax, such vesting shall not affect the right of the incumbent of the benefice to which it was attached to claim exemption or abatement from such land tax.

Redemption of tithe rentcharge vested in Queen Anne's Bounty.

9.—(1) The compensation for redemption of tithe rentcharge by this Part of this Act vested in Queen Anne's Bounty shall be such sum as in the opinion of the Minister will, when invested in Government securitie and added to the amount certified by Queen Anne's Bounty to be the sum accumulated in the sinking fund in respect of the rentcharge, or to be the sum which would have been so accumulated if the accumulation had not been postponed, be sufficient to produce an annual sum

equal to the value of the tithe rentcharge as fixed by this Act after deducting therefrom the amount (if any) payable in respect thereof to the Commissioners of Inland Revenue and any land tax charged on the tithe rentcharge and a sum on account of costs of collection equal to two and a half per cent. of such value as aforesaid.

(2) This section shall not apply where the application for redemption was made before the appointed day.

Powers of management of Queen Anne's Bounty.

10.—(1) Queen Anne's Bounty shall, in relation to tithe rentcharge vested in them under this Part of this Act, have, for the purposes of collection, redemption, merger, apportionment and otherwise, such powers as they would have had had they been absolute beneficial owners thereof, and shall also in relation thereto have such additional powers as are specified in the First Schedule to this Act:

Provided that where—

(*a*) for three months or more immediately before the passing of this Act the tithe rentcharge attached to a benefice has been collected by the incumbent thereof without the employment of any paid agent; and

(*b*) the incumbent by notice in writing given to Queen Anne's Bounty within six months after the passing of this Act agrees to collect at his own expense and without remuneration the sums payable in respect of the tithe rentcharge attached to the benefice, and to comply with such conditions as Queen Anne's Bounty may impose in relation to the collection and for securing the proper application of the money collected;

he shall be appointed to act as agent of Queen Anne's Bounty for the purpose of continuing such collection after the tithe rentcharge becomes vested in Queen Anne's Bounty, and he shall continue to act as such so long as he holds the incumbency and complies with the said conditions, unless and until the agency is determined by notice in writing given by the incumbent to Queen Anne's Bounty, or is determined by Queen Anne's

Bounty for any reason which, in the special circumstances of the case, renders it in their opinion desirable that the agency should be so determined.

(2) For the purpose of the collection of tithe rentcharge vested in them by this Act, Queen Anne's Bounty shall divide the country into such number of areas (not exceeding twenty) as they think fit, and those areas, subject to such alterations as Queen Anne's Bounty may from time to time think fit to make, shall be the collection areas for the purposes of this Act.

Queen Anne's Bounty shall constitute a committee for each collection area. Every such committee shall contain representatives of the incumbents of benefices within the collection area on account of which tithe rentcharge is held, and, subject to any general or special directions which may from time to time be given by Queen Anne's Bounty, there shall be delegated to the committee all the powers of Queen Anne's Bounty in relation to the collection of tithe rentcharge and such of their powers of management in relation thereto as Queen Anne's Bounty think fit.

(3) Where tithe rentcharge previously attached to a benefice issues from glebe belonging to that benefice, Queen Anne's Bounty shall have power, with the assent of the incumbent, to merge the same in the glebe as if the tithe rentcharge and the glebe both belonged to Queen Anne's Bounty absolutely.

(4) Queen Anne's Bounty may apply any money in their hands, whether under this Part of this Act or otherwise, and available for investment, in the redemption or discharge of any land tax or other charge to which any tithe rentcharge vested in them under this Part of this Act may be subject, and the moneys so applied, together with interest thereon at such rate not exceeding five per cent. per annum as Queen Anne's Bounty may determine, shall be recoverable out of the tithe rentcharge and any funds for the time being representing the same.

(5) Queen Anne's Bounty shall not be bound to take any legal proceedings for the recovery of any payments which they have not received if, in their discretion, they consider it undesirable to do so.

Scheme for apportionment of costs of collection, &c.

11.—(1) Queen Anne's Bounty shall frame a scheme, to come into operation not later than the first day of April, nineteen hundred and thirty, providing as respects each collection area for the apportionment amongst the various benefices in that area on account of which tithe rentcharge vested in them under this Part of this Act is held, in proportion to the amount of the tithe rentcharge held on account of each such benefice, of the aggregate amounts of—

(*a*) the cost of collection of tithe rentcharge so vested in them;

(*b*) any arrears of tithe rentcharge so vested in them;

and any such scheme may be varied by a subsequent scheme:

Provided that the scheme may provide for exempting (in whole or in part) from liability to contribute to such costs of collection benefices the total incomes arising from which are shown to the satisfaction of Queen Anne's Bounty to be less than three hundred pounds per annum, and shall provide for exempting from liability to contribute to such cost of collection any benefice where as agent of Queen Anne's Bounty the incumbent thereof collects the sums payable in respect of the tithe rentcharge held on account of the benefice.

(2) In ascertaining the amount of tithe rentcharge held on account of a benefice, and the amount of arrears thereof, no account shall be taken, if the scheme so provides, of any tithe rentcharge which had not been paid for such period before the appointed day as may be prescribed by the scheme.

(3) The scheme shall not, nor shall the operation thereof, affect the amount on which the incumbent of any benefice is liable to pay income tax or the provisions of this Part of this Act with respect thereto.

Application to tithe rentcharge vested in Queen Anne's Bounty for

12. Where by virtue of this Part of this Act any tithe rentcharge becomes vested in Queen Anne's Bounty for an interest less than a fee simple in possession, the provisions of this Part of this Act—

(*a*) providing for the extinguishment of tithe rentcharge at the expiration of the accumulation period;

an interest less than a fee simple.

(*b*) requiring sinking fund payments to be made in respect of tithe rentcharge and sums to be carried to the sinking fund;

(*c*) as to the compensation for redemption of tithe rentcharge;

shall not apply to such tithe rentcharge.

Application to tithe rentcharge attached to ecclesiastical corporations.

13. The foregoing provisions of this Part of this Act shall apply to tithe rentcharge which immediately before the appointed day is attached to an ecclesiastical corporation with the following modifications and exceptions—

(1) the sum of sixteen pounds shall be substituted for the sum of five pounds as the amount payable by Queen Anne's Bounty to the Commissioners of Inland Revenue;

(2) eighty-one and a half years shall be substituted for eighty-five years for determining the period during which the tithe rentcharge is to continue payable and the payments into the sinking fund are to be accumulated;

(3) References to the ecclesiastical corporation shall be substituted for references to the incumbent of the benefice; and

(4) the provisions as to the scheme to be framed by Queen Anne's Bounty shall not apply.

Application to extraordinary tithe rentcharge, corn rents, &c.

14.—(1) The provisions of this Part of this Act relating to the transfer to and vesting in Queen Anne's Bounty of tithe rentcharge and to the powers of management of Queen Anne's Bounty over the rentcharge, but none of the other foregoing provisions of this Part of this Act shall apply to the following rentcharges, rents, tithes and other payments attached to a benefice or ecclesiastical corporation in like manner as to tithe rentcharge so attached, that is to say—

(*a*) any rentcharge under the Extraordinary Tithe Redemption Act, 1886;

(*b*) any corn rent rentcharge or money payment payable under any local or personal Act or award in lieu of tithe;

(*c*) any rentcharge payable under the Tithe Act, 1860, in respect of the tithes on any gated or stinted pasture; 23 & 24 Vict. c. 93.

(*d*) any sum or rate payable for each head of cattle or stock turned on land subject to common rights or held or enjoyed in common;

(*e*) any tithes and other payments in lieu of tithes not being tithe rentcharge:

Provided that this section shall not apply to any rentcharge, tithes or payments in lieu of tithes which arise within the City of London or any ecclesiastical parish situate partly within and partly without the City of London, or which under any Act or award are directed to be collected for the benefit of a benefice by churchwardens or any other body or person and not by the incumbent of the benefice.

(2) Where by virtue of this section any payment in lieu of tithe is vested in Queen Anne's Bounty, such vesting shall not affect the application to the payment in lieu of tithe or to any tithe rentcharge into which such a payment may be converted under the Tithe Acts of the provisions of the Tithe Rentcharge (Rates) Act, 1899, or of that Act as modified by any local Act or Provisional Order.

(3) For the purposes of this section, the powers of management of Queen Anne's Bounty shall be deemed to include, in addition to the powers conferred by section ten, the power of making deductions on account of cost of collection and other outgoings, and, subject to the necessary modifications, the powers conferred by the First Schedule to this Act.

S. 36 of the Finance Act, 1924, to apply to receipts. 14 & 15 Geo. 5. c. 21.

15. Receipts for any tithe rentcharge or other payments previously attached to a benefice which are vested in Queen Anne's Bounty by virtue of this Act shall, notwithstanding such vesting, be deemed to be receipts to which the exemption in section thirty-six of the Finance Act, 1924, applies.

Saving clause.

16.—(1) Nothing in this Part of this Act shall affect any power of apportioning between benefices, or transferring from one benefice to another benefice or to a united benefice, any tithe rentcharge, tithes or payments in lieu of tithes, or other rentcharge or payment

vested in Queen Anne's Bounty under this Part of this Act.

(2) The vesting in Queen Anne's Bounty of any tithe rentcharge, tithe, or payment in lieu of tithe, or other rentcharge or payment, shall not affect the right to recover any sums in respect thereof which would have been recoverable had no such vesting been effected.

PART III.

LAY TITHE RENTCHARGE.

Provisions as to the redemption of lay tithe rentcharge.

17.—(1) This Part of this Act applies to tithe rentcharge which is not tithe rentcharge for the redemption whereof provision is made by Part II. of this Act; and such tithe rentcharge is in this Part of this Act referred to as lay tithe rentcharge.

(2) Where after the twenty-second day of May, nineteen hundred and twenty-five, an application for the redemption of any lay tithe rentcharge on any land is made by the owner of the land, then if the land charged with the tithe rentcharge, except so far as it consists of buildings in the same occupation, is agricultural land for the purposes of the Agricultural Rates Act, 1896, the Minister in ascertaining the compensation for the redemption of the tithe rentcharge in accordance with the provisions of the First Schedule to the Tithe Act, 1918, shall not in respect of rates deduct from the gross annual value a sum in excess of two-thirds of the average amount which became payable by the owner of the tithe rentcharge or any other person on account of any rate to which the Agricultural Rates Act, 1896, applies.

59 & 60 Vict. c. 16.

8 & 9 Geo. 5. c. 54.

(3) This Part of this Act shall come into operation on the passing thereof.

PART IV.

MISCELLANEOUS.

Amendment of provisions as to altered apportionments.

18.—(1) Notwithstanding the provisions of section fourteen of the Tithe Act, 1842, on the alteration of an apportionment a tithe rentcharge of less than five shillings may be charged on any land if the owner of the rentcharge the subject of the apportionment consents,

or if the owner of the land on which the rentcharge of less than five shillings is apportioned has applied to the Minister for an order directing that it shall be redeemed on the alteration of the apportionment, and an order has been made accordingly. 5 & 6 Vict. c. 54.

(2) Notwithstanding the provisions of section eleven of the Tithe Act, 1860, the consent of the owner or owners of the lands charged with tithe rentcharge shall not be required for the re-apportionment and redistribution of rentcharges over and amongst the lands charged therewith provided that the rentcharges are payable to the same person.

(3) The powers of apportionment of rentcharges in lieu of corn rents conferred by section seventeen of the Tithe Act, 1860, shall extend to the apportionment of all corn rents to which the said Act applies.

Amendment of ss. 1 and 5 of Tithe Act, 1878. 41 & 42 Vict. c. 42.

19.—(1) Where application for redemption of a tithe rentcharge is not made by the persons directed to make such application under section one of the Tithe Act, 1878, the Minister may order such redemption on the application of the owner of the tithe rentcharge.

(2) Section five of the Tithe Act, 1878, which authorises redemption of tithe rentcharge on lands which have been divided into numerous plots, shall extend also to any case where the Minister is satisfied that land is about to be so divided.

Amendment of provisions of 8 & 9 Geo. 5. c. 54, as to redemption of tithe rentcharge.

20.—(1) Subsection (2) of section four of the Tithe Act, 1918, shall have effect as if sixty years were substituted for fifty years as the maximum period of the duration of an annuity in discharge of the consideration money for the redemption of tithe rentcharge, and as if for the words "after payment of the first instalment of "the annuity" there were substituted the words "as "from the date on which the annuity commences."

(2) Where any such annuity is vested in Queen Anne's Bounty, then, for the purposes of subsection (3) of section one hundred and ninety-one of the Law of Property Act, 1925, Queen Anne's Bounty shall be deemed to be empowered to give an absolute discharge for the capital value of the annuity. 15 Geo. 5. c. 20.

(3) In ascertaining the compensation for the redemption of tithe rentcharge under paragraph 2 of the First

Schedule to the Tithe Act, 1918, the deduction on account of rates and land tax shall be the average amount which became payable by the tithe owner in respect thereof during the three years immediately preceding the date of the application.

(4) Where under the Tithe Act, 1918, the consideration money for the redemption of tithe rentcharge is by agreement to be discharged by an annuity, the provisions of paragraph 2 of the First Schedule to that Act, providing that in the ascertainment of the compensation for redemption a deduction is to be made on account of the cost of collection of the tithe rentcharge, shall not apply.

Duty of overseers, &c., to furnish information.

21. For the purpose of enabling the Minister to ascertain the deduction in respect of rates to be made in the ascertainment of compensation for redemption of tithe rentcharge, the overseers or other person or body by whom a rate has been made shall, on being requested so to do, supply to the Minister any information which is in his or their possession as to the amount paid or payable on account of the rate in respect of any tithe rentcharge arising out of land in the area to which the rate applies.

Extension of powers of improvement companies.

22. Where any company is authorised by an Act of Parliament to advance money for the redemption of tithe rentcharges or corn rents upon the security of a charge limited to a period of less than sixty years, the provisions of the Act shall have effect in relation to a charge for such a purpose as if a period of sixty years were thereby authorised.

Commencement of Part IV.

23. This Part of this Act shall come into operation at the expiration of two months after the passing thereof.

PART V.

GENERAL.

Definitions.

24.—(1) In this Act, except where the context otherwise requires,—

The expression "Minister" means the Minister of Agriculture and Fisheries:

The expression "tithe rentcharge" means tithe rentcharge issuing out of lands and payable in pursuance of the Tithe Acts, and includes a

rentcharge into which before the appointed day, a corn rent has been converted under those Acts and which is subject to the like incidents as such tithe rentcharge as aforesaid; but does not include a rentcharge payable under the Extraordinary Tithe Redemption Act, 1886, nor a rentcharge payable under the Tithe Act, 1860, in respect of the tithes on any gated or stinted pasture, nor a sum or rate payable for each head of cattle or stock turned on land subject to common rights or held or enjoyed in common:

The expression "Tithe Acts" does not include the Extraordinary Tithe Redemption Act, 1886, but otherwise means the Tithe Acts, 1836 to 1918:

The expression "benefice" has the same meaning as in the Tithe Rentcharge (Rates) Act, 1899:

The expression "ecclesiastical corporation" has the same meaning as in the Episcopal and Capitular Estates Act, 1851: 14 & 15 Vict. c. 104.

The expression "authorised securities" means securities in which Queen Anne's Bounty are for the time being authorised to invest their corporate funds:

The expression "costs of collection" includes all costs and expenses incurred by a committee constituted for a collection area in the exercise of any of the powers (whether of collection or management), and of the performance of any of the duties delegated to the committee:

The expression "total income" in relation to a benefice means the total income arising from the benefice estimated in accordance with the provisions of the Income Tax Acts for the preceding income tax year, but so that where the incumbent of a benefice holds more than one benefice (whether united for ecclesiastical purposes or not so united) it shall mean the sum of the total incomes, estimated as aforesaid, arising from the several benefices.

(2) References to one hundred pounds of tithe rentcharge means tithe rentcharge of the original commuted amount of one hundred pounds, and, where any sum of

money is by this Act made payable in respect of one hundred pounds of tithe rentcharge, proportionately greater or lesser sums shall be payable when the original commuted value of the tithe rentcharge is more or less than one hundred pounds.

(3) In calculating for the purposes of this Act the amount of any tithe rentcharge or any payment in respect of any tithe rentcharge fractions of a penny less than a halfpenny shall be disregarded, and fractions of a penny amounting to a halfpenny or more shall be treated as a whole penny.

Temporary extension of the duration of 8 & 9 Geo. 5. c. 54, s. 1 and 10 & 11 Geo. 5. c. 22.

25. Subsection (1) of section one of the Tithe Act, 1918, and the Ecclesiastical Tithe Rentcharge (Rates) Acts, 1920 and 1922, shall continue in force until the appointed day, and shall have effect as if in subsection (1) of section one of the Tithe Act, 1918, and in subsection (1) of section one of the Ecclesiastical Tithe Rentcharge (Rates) Act, 1920, for the reference to the first day of January, nineteen hundred and twenty-six, there were substituted a reference to the appointed day.

Short title, construction, extent, commencement and repeals.

26.—(1) This Act may be cited as the Tithe Act, 1925, and shall be construed with the Tithe Acts, 1836 to 1918, and those Acts and this Act may be cited together as the Tithe Acts, 1836 to 1925.

(2) This Act shall extend to England and Wales only.

(3) Except where otherwise expressly provided, this Act shall come into operation on the appointed day, and the appointed day shall be such date or dates not earlier than the sixth day of April, nineteen hundred and twenty-six, and not later than the first day of April, nineteen hundred and twenty-seven, as His Majesty may fix by Order in Council, and different days may be fixed for different provisions and different purposes of the Act.

(4) The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

This subsection so far as it effects the repeal of subsection (2) of section one of the Tithe Act, 1918, shall come into operation on the passing of this Act.

SCHEDULES.

Sections 10 and 14.

FIRST SCHEDULE.

POWERS OF QUEEN ANNE'S BOUNTY.

1. Power to appoint agents and to devolve upon bodies or committees appointed by Queen Anne's Bounty, or constituted in such manner as they may from time to time approve, all or any of the rights, powers and duties conferred or imposed on Queen Anne's Bounty by this Act, or by virtue of the vesting of property in them under this Act, in relation to the collection and management of any such property, with full authority to such bodies or committees, subject to any general or special directions which may from time to time be given by Queen Anne's Bounty, to do and execute any act within the powers of Queen Anne's Bounty in relation to the matters devolved upon such bodies and committees as aforesaid, including powers to take proceedings on account of and in the name of Queen Anne's Bounty:

Provided that the duty of holding and dealing with sinking fund payments and moneys paid for redemption shall not be so devolved.

2. Power to provide on such terms as they think fit for the extinction of any tithe rentcharge vested in them by merger of the tithe rentcharge in the freehold of the land out of which it issues in manner provided by the Tithe Acts.

3. Power to require the transfer to Queen Anne's Bounty by an incumbent of a benefice of any documents in his possession or under his control relating to tithe rentcharge attached to the benefice, and the transfer of copies of confirmed instruments of apportionment and of any other instruments deposited in pursuance of the Tithe Acts, 1836 to 1918, in the registry of any diocese, but so that Queen Anne's Bounty shall be subject to the same obligation, on such transfer being made, to supply copies thereof to such persons and on such terms as the registrar of the diocese from whom the same were transferred was subject.

1ST SCH —*cont.*

4. Power to make regulations with respect to—

(*a*) the investment of moneys in the sinking fund and moneys paid to Queen Anne's Bounty for redemption, and the ascertainment of the share therein of the several benefices and corporations interested;

(*b*) the ascertainment, pending the preparation of the scheme to be prepared under this Act, of the sums to be deducted under this Act on account of costs of collection, properly attributable to the several benefices and corporations, and the apportionment of such costs between the several benefices, but so that Queen Anne's Bounty may, if they think fit, exempt (in whole or in part) from liability to contribute to such costs benefices the total incomes arising from which are shown to the satisfaction of Queen Anne's Bounty to be less than three hundred pounds, and so that the regulations shall provide for the exemption from the liability to contribute to the cost of collection any benefice where as agent for Queen Anne's Bounty the incumbent thereof collects the sums payable in respect of the tithe rentcharge held on account of the benefice;

(*c*) the periodical disbursement to the persons entitled thereto of the sums received by Queen Anne's Bounty in respect of property vested in them under this Act.

5. Power to apply towards the cost of collection under this Act any interest arising from money other than money required to be invested which may from time to time be in the hands of Queen Anne's Bounty under this Act.

6. Power to pay out of their corporate funds the expenses of administration under this Act, and to make advances out of such funds to meet such expenses of collection as in the opinion of Queen Anne's Bounty ought to be spread over a term of years, subject in the case of such advances to recoupment with interest thereon at such rate not exceeding five per cent. per annum, and in such manner and within such time as Queen Anne's Bounty may determine.

SECOND SCHEDULE.

Section 26

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
50 & 51 Vict. c. 23.	The Incumbents Resignation Act, 1871, Amendment Act, 1887.	Section four.
8 & 9 Geo. 5. c. 54.	The Tithe Act, 1918 -	Sections one and two; subsection (2) of section four from the words "and in default of such "agreement" to the words "if they think fit determine." In the First Schedule, paragraphs 1 and 3.
10&11 Geo. 5. c. 22.	The Ecclesiastical Tithe Rentcharge (Rates) Act, 1920.	The whole Act.
12&13 Geo.5. c. 58.	The Ecclesiastical Tithe Rentcharges (Rates) Act, 1922.	The whole Act.

CHAPTER 88.

An Act to amend the law with respect to the Coastguard, and for purposes connected therewith. [22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Transfer of the coastguard to

1.—(1) His Majesty's Coastguard shall consist of such numbers of officers and men as the Board of Trade (hereinafter referred to as "the Board") may, with the

the Board of Trade.

consent of the Treasury from time to time think fit, and shall be raised, maintained, equipped, and governed by the Board and employed as a coast-watching force for the performance of the duties hitherto performed by the coastguard on behalf of the Board, and of such other duties as may be determined by the Board.

(2) All land which is at the commencement of this Act held by the Admiralty in connection with the coastguard service and required by the Board for the purposes of His Majesty's Coastguard shall, notwithstanding any provisions in any lease or other instrument prohibiting or restricting the transfer or assignment thereof, be transferred to the Commissioners of Works by Order of His Majesty in Council without the necessity of any other conveyance or assignment, and shall be taken by the said Commissioners as land necessary for the public service and held by them for all the estate and interest for which it was previously held by the Admiralty.

(3) The power of the Admiralty to acquire land for the purposes of the coastguard service is hereby transferred to the Commissioners of Works, and accordingly the said Commissioners may cause to be surveyed and marked out any land not exceeding three acres at or for any one coastguard station, which may be required for the purposes of His Majesty's Coastguard with all necessary ways to and from such land, and may enter into agreements for the acquisition of such land as land necessary for the public service, and sections three hundred and thirty-six to three hundred and forty-five (both inclusive) of the Customs Consolidation Act, 1853, as amended by any subsequent enactment shall apply with the necessary modifications to the purchase by the said Commissioners of land required by the Board for the purposes of His Majesty's Coastguard as those sections have hitherto applied to the acquisition by the Admiralty of land required for the purposes of the coastguard service.

16 & 17 Vict. c. 107.

Transfer of control of coastguard to Admiralty in case of emergency.

2.—(1) Whenever any emergency arises which, in the opinion of the Admiralty renders it advisable that His Majesty's Coastguard shall be placed under the control of the Admiralty, the Admiralty may by order direct that the management and control of His Majesty's Coastguard shall be transferred to the Admiralty, and while any such order is in force, the powers and duties

of the Board under this Act in relation to His Majesty's Coastguard shall be exercised and performed by the Admiralty, and the officers and men of His Majesty's Coastguard shall be subject to the Naval Discipline Act and be borne on the books of one of His Majesty's ships in commission, with such respective ranks and ratings and such pay and emoluments as may be determined by the Admiralty.

(2) Any order made under this section shall be revoked as soon as the Admiralty is of opinion that the emergency has ended, but without prejudice to anything previously done thereunder.

Short title, extent, saving and repeal.

3.—(1) This Act may be cited as the Coastguard Act, 1925.

(2) This Act shall extend to the Isle of Man.

(3) Save as is in this Act otherwise expressly provided, all laws in force at the commencement of this Act for the protection of the coastguard, and all rights, authorities, powers, privileges and immunities which at the commencement of this Act are vested in, or may be had or exercised by the coastguard shall be applicable to, and be vested in, and had and exercised by His Majesty's Coastguard.

19 & 20 Vict. c. 83.

(4) The Coast-guard Service Act, 1856, is hereby repealed.

CHAPTER 89.

An Act to amend the Education (Scotland) Act, 1908, and the Education (Scotland) Act, 1918.

[22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of 8 & 9 Geo. 5. c. 48. s. 18.

1. In the Education (Scotland) Act, 1918, there shall be inserted after the second paragraph of subsection (9) of section eighteen the following paragraph :—

" Provided also that if before the expiry of ten years from the transfer of any such school the

education authority are of opinion as aforesaid and so represent, and the trustees by whom the school was transferred, or their successors in office or representatives, formally intimate to the Department that they concur with the authority in their opinion as represented, then in such case, if the Department are of the same opinion and so signify, it shall be lawful for the education authority forthwith to discontinue or to hold, maintain, or manage the school as aforesaid, subject to the like provision with respect to compensation."

2. At the end of paragraph 8 of the Second Schedule to the Education (Scotland) Act, 1918, there shall be inserted the following words :—

"and provided also that in the case of the education authorities for the counties of Argyll, Caithness, Inverness, Orkney, Ross and Cromarty, Shetland and Sutherland, if at least one meeting is held in each quarter of each year, the total number of meetings need not exceed six in any one year."

Amendment of 8 & 9 Geo. 5. c. 48. s. 3.

3. For subsection (2) of section three of the Education (Scotland) Act, 1918, the following subsection shall be substituted: "A school management committee shall, " subject to any regulations and restrictions made by " the education authority, have all the powers and " duties of that authority in regard to the general " management and supervision of the school or group of " schools, including attendance thereat: Provided that " the education authority shall in every case themselves " retain, exercise and perform all their powers and " duties in regard to—

" (*a*) the raising of money by rate or loan and the " control of expenditure;

" (*b*) the acquisition or holding of land;

" (*c*) the appointment, transfer, remuneration and " dismissal of teachers;

" (*d*) the appointment of bursars, and the exercise " of the powers conferred by the section of " this Act relating to power to facilitate " attendance at secondary schools and other " institutions; and

" (*e*) the recognition, establishment or discontinu-
" ance of intermediate or secondary schools or
" of centres of advanced technical instruction."

4. To paragraph (3) of section three of the Education (Scotland) Act, 1908, as amended by paragraph 5 (*a*) of the Fifth Schedule to the Education (Scotland) Act, 1918, there shall be added the following words : Amendment of 8 Edw. 7. c. 63. s. 3 (3).

" Provided that if in any case an education authority can satisfy the Scottish Education Department that the provision of facilities under this paragraph would involve less cost than the provision of new school accommodation or the continuance of existing school accommodation which would otherwise be necessary for any part of their area, it shall be within the power of that education authority, subject to the approval of the Department, to provide such facilities without having special regard to the circumstances of the parents of the children concerned, or to the distance between the residence of any such child and the school."

5. For paragraph (4) of section three of the Education (Scotland) Act, 1908, as amended by the Education (Scotland) Act, 1918 (which section relates to additional general powers of education authorities), there shall be substituted the following subsection :— Amendment of 8 Edw. 7. c. 63. s. 3.

" (4) In contributing towards, or where deemed expedient providing for, the maintenance and education in homes or other institutions within or without the education area of the education authority (with due regard to the religious persuasion of the parents) of—

" (*a*) epileptic or crippled or defective children within the meaning of the Education of Defective Children (Scotland) Act, 1906; or 6 Edw. 7. c. 10.

" (*b*) other children who are certified by the school medical officer as requiring special arrangements for their education provided that the arrangements proposed have been approved by the Department;

and in paying the cost of conveying such children to and from such homes or institutions."

Extent, citation and construction.

6.—(1) This Act shall extend to Scotland only.

(2) This Act may be cited as the Education (Scotland) Act, 1925, and shall be included among the Acts which may be cited together as the Education (Scotland) Acts, 1872 to 1925.

CHAPTER 90.

An Act to simplify and amend the law with respect to the making and collection of rates by the consolidation of rates and otherwise, to promote uniformity in the valuation of property for the purpose of rates, to amend the law with respect to the valuation of machinery and certain other classes of properties, and for other purposes incidental to or connected with the matters aforesaid. [22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

RATING.

Rating authorities.

1.—(1) The council of every county borough and the council of every urban and rural district shall be the rating authority for the borough or for the county district, and from and after the appointed day no authority or person other than the council shall have power to make or levy any rate within the borough or district.

(2) As from the appointed day all powers and duties of the overseers of the poor in relation to the making, levying, and collection of rates, and of any other person who by virtue of any local Act has powers in that behalf, shall in every rating area be exercised and performed by the rating authority.

(3) Every rating authority shall for the purposes of their powers and duties under this Act (other than the power of appointing persons to act as members of an assessment committee) have the same power with respect to the appointment and authorisation of committees as they have under section two hundred of the Public Health Act, 1875, or subsection (1) of section fifty-six of the Local Government Act, 1894, as the case may be, for the purposes of the Acts relating to the public health. 38 & 39 Vict. c. 55. 56 & 57 Vict. c. 73.

(4) In the case of a rural rating area the parish council of every parish or group of parishes, and the parish meeting of every parish not under a parish council, shall be entitled to appoint two persons, being local government electors, to act as members of the rating authority, or of any committee appointed by that authority in pursuance of this section, so far as regards the exercise or performance in connection with property in that parish or group of parishes of any powers or duties of the rating authority under Part II. of this Act, and the persons so appointed shall, for that purpose, but not for any other purpose, be deemed to be members of the rating authority or committee, as the case may be.

Levy of, and provisions as to, general rate.

2.—(1) As from the date of the first new valuation, the rating authority of each urban rating area, in lieu of the poor rate and any other rate which they have power to make, shall make and levy for their area a consolidated rate which shall be termed "the general rate."

(2) As from the appointed day the rating authority of each rural rating area shall, in lieu of making a poor rate for each parish, make and levy a general rate for the whole of the district.

(3) Subject to the provisions of this Act, every general rate shall be a rate at a uniform amount per pound on the rateable value of each hereditament in the rating area, and shall be made, levied and collected, and shall be recoverable, in the same manner in which at the commencement of this Act the poor rate may be made, levied, collected and recovered, and all the enactments relating to the poor rate which are in force at the commencement of this Act, including (subject to the provisions of this Act) enactments relating to appeals

against a poor rate, shall, so far as not repealed by this Act, apply to the general rate:

Provided that—

(*a*) In the case of any general rate made in a rural rating area in respect of any period before the date of the first new valuation, the rating authority shall, notwithstanding anything in this subsection, give effect in the collection of the rate to any exemption or abatement to which any person would have been entitled in respect of any hereditament if the rate had been a poor rate; and

12 & 13 Vict. c. 14.

(*b*) notwithstanding anything in the Distress for Rates Act, 1849, the justices shall not issue a warrant of commitment in default of distress for non-payment of the general rate against any person who proves to their satisfaction that his failure to pay is due to circumstances beyond his control, but where the justices in pursuance of this provision refuse to issue a warrant the rating authority may, unless the justices at the time of so refusing think fit to remit the payment of the rate (which they are hereby authorised to do), subsequently renew the application for a warrant of commitment on the ground that the circumstances of the person have changed.

(4) A rating authority shall have power to reduce or remit the payment of any general rate on account of the poverty of any person liable to the payment thereof.

(5) Where any amount, other than an amount which falls to be raised by means of a special rate under this Part of this Act, is, by virtue of any precept or otherwise, chargeable separately on any part of a rating area, the rating authority shall levy that amount on that part of the area together with, and as an additional item of, the general rate.

(6) Expenses incurred under the Public Libraries Acts, 1892 to 1919, by the library authority (not being a county council) of a library district being a parish shall, instead of being defrayed out of a rate raised in manner provided by paragraph (*c*) of subsection (1) of section eighteen of the Public Libraries Act, 1892, be levied in

55 & 56 Vict. c. 53.

the library district by the rating authority together with, and as an additional item of, the general rate.

(7) Section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (which provides that until the completion of the works the promoters of the undertaking shall make good any deficiency of poor rate caused by the lands being taken), shall have effect as though for the references therein to the poor's rate there were substituted references to the general rate, and as though the amount required to be made good by the promoters of the undertaking were in the case of lands situate in an urban rating area one-half of the deficiency in the several assessments to the general rate. 8 & 9 Vict. c. 18.

The assessment on which any payment made by promoters under the said section is based shall be inserted in the valuation list and any such payment shall be taken into account for the purpose of ascertaining the proceeds of any rate.

(8) The provisions of this Act relating to the general rate shall apply to any consolidated rate, by whatever name called, made for any area under any local Act on or after the date of the first new valuation.

(9) Every hereditament in the rating area, whether liable to be rated or not, shall be included in every rate in the rate book.

Levy of, and provisions as to, special rate in rural district. 3 & 4 Will. 4. c. 90.

3.—(1) As from the appointed day the rating authority of each rural rating area shall, in lieu of any rate in respect of expenditure under the Lighting and Watching Act, 1833, and of any rate in respect of special expenses under the Acts relating to public health, make and levy in each part of the area which is liable to be separately rated in respect of any such expenditure or in respect of any such special expenses a separate rate which shall be termed "a special rate":

Provided that, where the amount of any such expenditure, or of any such expenses, for any half-year falling to be raised by means of a special rate chargeable on any part of the area is less than ten pounds, or is so small that a general rate of less than one penny in the pound would be sufficient to produce the amount of that expenditure or of those expenses, that amount shall not be levied by a special rate, but shall be levied in that part of the area together with, and as an additional item of, the general rate.

In this subsection the expression "half-year" means the period of six months expiring on the thirty-first day of March or the thirtieth day of September.

(2) Subject to the express provisions of this Act as to special rates, all the provisions of this Act relating to the general rate shall apply to a special rate, except that the owner of any tithe or tithe rentcharge and the occupier of any woodlands, or of any land covered with water or used as a canal or as a towing-path for a canal or as a railway constructed under the powers of any Act of Parliament for public conveyance, and, until the date of the first new valuation, the occupier of any agricultural land, shall be liable to pay in respect of one-fourth part only of the rateable value of the tithe, tithe rentcharge, woodlands or land.

Operation and incidence of rate.

4.—(1) Every rate made by a rating authority on or after the appointed day shall be deemed to be made on the date on which it is approved by the authority, and any enactments requiring that rates must be allowed by justices shall cease to have effect.

(2) Subject to the provisions of this section, every general rate shall be made in respect of a period commencing in the case of the first general rate made under this Part of this Act for any rural rating area on the appointed day, in the case of the first general rate so made for any other rating area on the date of the first new valuation, and in the case of any subsequent general rate immediately after the expiration of the last preceding period in respect of which a general rate was made, and terminating on such date, to be specified in the rate, as may be fixed by the rating authority, and, in the case of the last rate made in respect of any financial year, the date so fixed shall be the last day of that year.

(3) Every special rate shall be made in respect of such period, to be specified in the rate, as may be fixed by the rating authority, and a rating authority in fixing any such period shall have regard to the period during which the charges to be met by the rate accrue.

(4) The following provisions shall have effect with respect to the assessing of persons to and their liability in respect of a rate—

(*a*) a person who is in occupation of the hereditament for part only of the period in respect of

which the rate is made, shall, subject to the provisions of this subsection, be liable to be charged with such part only of the total amount of the rate as the number of days during which he is in occupation bears to the total number of days comprised in the said period;

(*b*) a person who is in occupation of the hereditament for any part of the said period may be assessed to the rate in accordance with the provisions of paragraph (*a*) of this subsection, notwithstanding that he ceased to be in occupation before the rate was made;

(*c*) a person who is in occupation of the hereditament at any time after the rate is made may be assessed to and shall in the first instance be liable to pay, if he was in occupation at the beginning of the period, the whole rate, or, if he came into occupation subsequently, a proportion of the rate calculated on the basis that he will remain in occupation until the end of the said period, but shall, if he goes out of occupation before the end of the said period, be entitled to recover from the rating authority any sum paid by him in excess of the amount properly chargeable against him in accordance with the provisions of paragraph (*a*) of this subsection, except in so far as he has previously recovered the sum from an incoming occupier.

(5) Where the name of any person liable to be rated is not known to the rating authority, it shall be sufficient to assess him to the rate by the description of the "occupier" of the premises (naming them) in respect of which the assessment is made, without further name or description.

(6) Notwithstanding anything in this section, the rating authority may at any time make a supplementary rate if they think it necessary so to do having regard to the requirements of their area.

Amendment of rate.

5.—(1) The rating authority may at any time make such amendments in a rate (being either the current or the last preceding rate) as appear to them necessary in order to make the rate conform with the provisions

of this Part of this Act and any other enactments relating thereto, and in particular may—

(*a*) correct any clerical or arithmetical error in the rate:

(*b*) correct any erroneous insertions or omissions or any misdescriptions:

(*c*) make such additions to or corrections in the rate as appear to the authority to be necessary by reason of—

(i) any newly erected hereditament or any hereditament which was unoccupied at the time of the making of the rate coming into occupation; or

(ii) any change in the occupation of any hereditament; or

(iii) any property previously rated as a single hereditament becoming liable to be rated in parts:

Provided that not less than seven days before making under the foregoing provisions any amendment which is not necessitated by an alteration of the valuation list, and the effect of which is to alter the amount appearing in the rate as chargeable in respect of any hereditament, the rating authority shall send notice of the proposed amendment to the occupier of the hereditament, and if the owner is liable to pay the rates in respect of the hereditament also to the owner, and shall consider any objection thereto which may be made by him or them.

(2) Every amendment made under paragraph (*a*) or paragraph (*b*) of the preceding subsection in a rate shall have effect as if it had been contained in the rate as originally made.

(3) This section shall come into operation on the appointed day.

Publication of rate.

6.—(1) Notice of every rate shall be given by the rating authority within seven days after the making thereof, and the rate shall not be valid unless notice thereof is duly given in manner for the time being required by law.

(2) Any such notice may, if the rating authority think fit, be given either by affixing the notice at any

time within the said period of seven days on or near to the doors of churches and chapels in manner prescribed by section two of the Parish Notices Act, 1837, or by affixing the notice within the said period in some public or conspicuous place or situation in each parish affected, or by publishing the notice within the said period in one or more newspapers circulating in the area of the authority, and different methods of publication may be used as respects different parts of the area of the rating authority. 7 Will. 4. & 1 Vict. c. 45.

(3) This section shall come into operation on the appointed day.

Demand notes for rates.

7.—(1) Information with respect to the following matters shall be included in the demand note on which the general rate is levied, that is to say—

(*a*) the situation of the hereditament in respect of which the demand note is issued and such description thereof reasonably necessary for purposes of identification as may be prescribed;

(*b*) the rateable value, and, where it differs from the rateable value, also the net annual value;

(*c*) the amount in the pound at which the rate is charged;

(*d*) the period in respect of which the rate is made;

(*e*) the amounts in the pound which are being levied for the purposes respectively of the rating authority and of each authority by which a precept has been issued to the rating authority;

(*f*) the amount, if any, in the pound which is being levied as an additional item of the rate;

(*g*) the amounts in the pound which are being levied for such of the principal services administered respectively by the rating authority and the authorities by which precepts have been issued to the rating authority as may be prescribed.

(2) The information specified in paragraphs (*a*), (*b*) (*c*) (*d*) and (*e*) of subsection (1) of this section shall be included in the demand note on which any special rate is levied.

Discount on general rate.

8.—(1) The rating authority may, if they think fit, by resolution direct that an allowance by way of discount not exceeding two and one-half per centum shall be made on the amount due in respect of any general rate from every person who pays the net amount due before such date as the rating authority shall prescribe:

Provided that the said allowance—

(*a*) shall not be made where the person paying the rate is an owner who is entitled to any of the allowances for which provision is made by section eleven of this Act; and

(*b*) shall be made at the same rate to all persons entitled thereto.

(2) The rating authority may at any time revoke or vary a resolution under this section.

(3) While any resolution under this section is in force, there shall be included in every demand note on which the general rate is levied a statement of the effect of the resolution.

Provisions as to precepts.

9.—(1) As from the appointed day, any precept issued by the council of a county which under any enactment or order in force immediately before that day is required to be sent to a board of guardians and any precept which under any such enactment or order is required to be sent to overseers shall, instead of being so sent, be sent to the rating authority.

(2) The provisions hereinafter in this subsection contained shall have effect in relation to any precepts issued by guardians in respect of any period beginning on or after the appointed day, and by councils of counties in respect of any period beginning on or after the first day of April, nineteen hundred and twenty-nine:—

(*a*) Expenditure chargeable on two or more parishes or other areas which would, if this Act had not passed, have been chargeable in proportion to the yearly value of property therein shall not be apportioned between those parishes or areas:

(*b*) The precept shall require the rating authority of each rating area affected to levy—

(i) as part of the general rate, or as an additional item of the general rate; or

(ii) during the period before the date on which the provisions of this Part of this Act relating to the making of a general rate come into operation, as part of the poor rate or as an additional item of the poor rate;

a rate of such an amount in the pound, being (subject in the case of an urban rating area to such adjustment as is hereinafter provided) the same amount in the case of each rating

area affected, as may be specified in the precept, and shall state the date or dates on or before which payments are required to be made on account of the rate levied in pursuance of the precept and the amount of each such payment:

(*c*) Subject to the provisions of this section, the amount due under a precept to the authority by which it was issued shall be the amount produced by the rate of the amount in the pound specified therein, and, the rating authority shall make payments in accordance with the requirements of the precept on account of the amount due thereunder:

Provided that, for the purpose of securing that the basis on which the sums due under the precept are to be ascertained shall be the same for rural rating areas and urban rating areas, the amount due under a precept shall, in the case of an urban rating area, include a sum equal to that by which the produce of the rate would be increased if such of the reliefs given by Part II. of the Second Schedule to this Act as operate only in urban rating areas were not so given, and the precept shall require the rating authority to make provision accordingly for any such additional sum by increasing as may be necessary the amount in the pound of the rate which is required by the precept to be levied:

(*d*) For the purpose of enabling councils of counties and boards of guardians to issue their precepts in manner required by this subsection, every rating authority shall before the first day of February in each year transmit to every county council and board of guardians having power to issue a precept to that rating authority an estimate of the amount, calculated in the prescribed manner, which would be produced in the next financial year by a rate of a penny in the pound levied in the rating area or part thereof, as the case may be, if provision were not made by the said Part II. of the Second Schedule for any such relief as aforesaid which operates only in an urban rating area, and the aggregate amount of the payments required by

the precept shall not exceed the sum which a rate of the amount in the pound therein specified would produce on the basis of the estimate for that year:

Provided that, where a rating authority fails to transmit an estimate to any precepting authority in accordance with the foregoing provisions, the precepting authority may for the purposes of this section make an estimate in lieu of the rating authority:

(*e*) The precept must be issued, or information as to the amount in the pound of the rate to be levied thereunder must be given, to each rating authority affected not less than twenty-one days before the beginning of the financial year or the financial half-year, as the case may be, in which the rate is to be levied, and, for the purpose of enabling councils of counties to comply with the provisions of this paragraph, the estimates to be submitted to such councils under section seventy-four of the Local Government Act, 1888, shall be submitted before, instead of at the beginning of, every financial year, and an estimate may be revised under subsection (3) of the said section before the expiration, instead of at the expiration, of the first six months of the financial year:

51 & 52 Vict. c. 41.

(*f*) The amount due under a precept issued to a rating authority shall be ascertained in the prescribed manner, and, if that amount exceeds the aggregate amount of the payments required by the precept, the balance shall be paid by the rating authority to the authority issuing the precept, but, if that amount is less than the aggregate amount of the payments required by the precept, the balance shall be set off against any amount required by the next precept issued to the rating authority:

(*g*) Where the amount due under a precept, or any part of that amount, is not paid on or before the date specified in the precept for payment, the authority by which the precept was issued may, if they think fit, require the rating

authority to pay, in accordance with the following provisions, interest on that amount, or that part of the amount, and any interest so payable shall be paid by the rating authority to the authority by which the precept was issued in like manner as if it were due under the precept:

For the purpose of the foregoing provision, interest shall be calculated at the rate of six per cent. per annum and shall commence to run from the date of payment specified in the precept, except that no interest shall be charged in respect of any day before the expiration of six weeks from the commencement of the financial year or financial half-year, as the case may be, in respect of which the precept was issued, or in respect of any day on which the aggregate amount of any payments made under the precept is equal to or exceeds the sum which bears to the aggregate amount of the instalments required by the precept the same proportion as the number of days which have elapsed since the commencement of the said financial year or half-year, as the case may be, bears to the total number of days contained in that year or half-year.

(3) Any other authority by which precepts are issued, or any rating authority to which precepts are issued by any such first-mentioned authority, may make and submit to the Minister a scheme for applying to precepts issued by or to that authority the provisions of the last preceding subsection, subject to such modifications as may appear to be necessary having regard to the basis of apportionment or the incidence of charge existing at the commencement of this Act, and the Minister may, after giving any authorities concerned an opportunity of objecting, by order confirm the scheme either without modifications or subject to such modifications as he thinks fit:

Provided that, if an objection to any such scheme is made by any of the authorities concerned and is not withdrawn, the order shall be provisional only and shall not have effect unless and until confirmed by Parliament.

A scheme duly made, submitted and confirmed in accordance with the provisions of this subsection shall,

subject to the provisions of the confirming order, have effect as if enacted in this Act.

(4) Rules made for the purposes of this section—

(*a*) shall provide in what manner and to what extent the cost of the collection of a rate, including any allowances made under section eight or section eleven of this Act, and losses on collection are to be treated as deductions in estimating and ascertaining the amount produced by the rate; and

(*b*) shall make provision with respect to any other matters for which it appears necessary to make provision in order to carry this section into effect.

(5) Every authority shall on issuing a precept supply to the rating authority such information as is reasonably necessary for the preparation of demand notes in accordance with the foregoing provisions of this Part of this Act.

Unification of funds and accounts.

10.—(1) As from the date on which the provisions of this Part of this Act relating to the making of a general rate come into operation in a rating area, the rating authority shall keep, in substitution for such of their then existing rate funds as are being kept for the whole of the area, one rate fund, which shall be termed "the general rate fund," and all such first-mentioned rate funds which are being kept for the whole area on that date shall be amalgamated into the general rate fund, and references in any Act or document to the borough fund or district fund or any other rate fund which by virtue of this section has become amalgamated with the general rate fund shall, unless the context otherwise requires, be construed as references to the general rate fund.

(2) After the appointed day and subject as hereinafter provided, a rating authority shall not, so far as regards income which belongs to or expenditure which is chargeable on the whole of the rating area, be required to keep separate accounts for the parishes in their area, and the council of a county or a board of guardians shall not, so far as regards income which belongs to or expenditure which is chargeable on the whole of the county or union, or the whole of any rating area in the county, keep separate accounts for parishes, but shall keep separate accounts for rating areas:

Provided that nothing in this subsection shall affect the power of the Minister to make orders under section five of the District Auditors Act, 1879, requiring separate accounts to be kept as regards income or expenditure which relates to part only of an area, county or union. 42 & 43 Vict. c. 6.

(3) Where any authority other than a rating authority receives income applicable to the relief of rates in some part of their area (not being a part of the area to which expenditure properly incurred in connection therewith of an equal or greater amount is chargeable separately), that authority shall pay over the income so received (less the amount of any expenses properly incurred in connection therewith) to the rating authority of the area in which that part is situate to be credited to that part.

Rating of, and collection of rates by, owners.

11.—(1) The rating authority may by resolution direct that, in the case of all hereditaments in their area (exclusive of hereditaments consisting of agricultural land) which belong to a class to be defined in the resolution by reference to rateable value and also, if rent is paid, by reference to the interval at which rent from time to time becomes payable or is collected, the owners thereof shall be rated instead of the occupiers:

Provided that the class shall not be so defined as to include any hereditament the rent of which becomes payable or is collected at quarterly or any longer intervals or the rateable value of which exceeds thirteen pounds, or, in the case of any area in which, at the passing of this Act, a higher limit of value is in force for the purposes of section three of the Poor Rate Assessment and Collection Act, 1869, that higher limit. 32 & 33 Vict. c. 41.

Where a rating authority give any such direction as aforesaid—

(*a*) the owners of any hereditaments in the area of that authority to which the direction applies shall, in the case of any rate made while the resolution is in force, be rated accordingly, and the rating authority shall make to any owner who being so rated pays the amount due by him in respect of the rate before the expiration of one-half of the period in respect of which the rate is made (or, if the rate is payable by instalments one half of the period in respect of which the instalment is payable) or such later date or dates as may be specified in the

resolution an allowance equal to ten per cent. of the amount payable; and

(*b*) the rating authority, if they are the owners of any such hereditaments as aforesaid, shall in the case of any hereditament which is of a rateable value not exceeding that specified in the resolution and which is occupied by the owner, make to the owner (subject to the amount of the rate chargeable in respect of the hereditament being paid by the owner within the time fixed by the foregoing paragraph) an allowance corresponding to the amount, if any, passed on by the authority to the occupiers of hereditaments owned by them in respect of the allowance to which the authority are entitled under this subsection, and, unless the contrary is proved, an amount not less than five per cent. of the amount payable in respect of rates shall be deemed to have been so passed on by the authority.

(2) The owner of any hereditaments to which this subsection applies, that is to say, hereditaments the rent of which becomes payable or is collected at intervals shorter than quarterly, may, by agreement in writing with the rating authority, undertake in respect of any such hereditament either—

(*a*) that he will pay the rates chargeable in respect thereof, whether it is occupied or not; or

(*b*) that he will, so long as the hereditament is occupied, pay the rates chargeable in respect thereof; or

(*c*) that he will on behalf of the authority collect the rates due from the occupier thereof,

and the authority may agree, where the owner so undertakes and pays over to the authority on or before the date or dates specified in the agreement the amounts payable by him thereunder, to make to him an allowance not exceeding in the case of an undertaking under paragraph (*a*) fifteen per cent., in the case of an undertaking under paragraph (*b*) seven and one-half per cent., and in the case of an undertaking under paragraph (*c*) five per cent.

An allowance made under this subsection in respect of any hereditament to an owner who is rated under the preceding subsection shall be in substitution for any

allowance to which he might otherwise have been entitled in respect of that hereditament under the preceding subsection.

(3) An agreement entered into under this section shall continue in force until determined by notice given either by the rating authority to the owner or by the owner to the rating authority and, in the event of a change in the ownership of any hereditament while the agreement is in force, shall continue to be binding on the new owner as if it had been made with him.

A notice for the purposes of this subsection, or a resolution of the rating authority rescinding a previous resolution under subsection (1) of this section, shall take effect only on the expiration of a period in respect of which a rate is made, and in the case of a notice must be given before the commencement of the period on the expiration of which it is to take effect.

(4) Where in pursuance of this section the owner is rated or has undertaken to pay or collect the rates charged in respect of any hereditament, the amount due from him in respect of the rates shall be recoverable by the rating authority from him or, where the rates are collected by an agent of his, either from him or from that agent, in the same manner and subject to the same conditions in and subject to which rates are recoverable from occupiers of rated hereditaments.

(5) In the case of an undertaking by an owner to collect rates on behalf of the rating authority, the amount due from the owner shall be taken to be an amount which bears to the total amount of the rates due the same proportion as the aggregate amount actually collected by him in respect of rent and rates bears to the aggregate amount due in respect thereof.

Unless the undertaking by the owner to collect rates expressly so provides, the expression "rates due" shall not, for the purposes of the provisions of this section relating to an undertaking by an owner to collect rates, include rates accruing due before the date on which the undertaking comes into operation, nor for the purposes of this subsection shall account be taken of rent which accrued due before that date.

(6) Every owner who is rated under this section instead of the occupier, or who enters into an agreement with a rating authority under this section, shall from time to time on demand deliver to the rating authority

a list of the occupiers of the hereditaments in respect of which he is so rated or has so agreed, and such particulars with respect to the periods for which any of those hereditaments have been unoccupied, and with respect to the amounts which he has failed to collect from the occupiers, as the authority may require for the purpose of enabling them to determine what amount is properly due from the owner under this section, and if any such owner refuses or neglects to comply with the provisions of this subsection, or knowingly delivers to the rating authority particulars which are untrue in any material respect, he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding five pounds, and, in the case of refusal or neglect to deliver particulars, to a further penalty not exceeding one pound for each day during which the offence continues after conviction therefor.

(7) Sections seven, eight, twelve, and nineteen of the Poor Rate Assessment and Collection Act, 1869 (which relate respectively to the constructive payment of rates, the power of occupiers to deduct from rent the amount of rates unpaid by owners, the recovery of rates unpaid by owners and the insertion of the names of occupiers in the rates), shall have effect for the purposes of this section as if they were therein re-enacted and in terms made applicable to the provisions thereof.

(8) Every owner who is rated under this section instead of the occupier, or who enters into an agreement with the rating authority under this section, in respect of any hereditaments shall, without prejudice to the rights of the occupier of any of those hereditaments, be treated in relation to any right of appeal to quarter sessions against a rate and for the purpose of the provisions of Part II. of this Act relating to objections, appeals and proposals as standing in the same position as the occupier.

(9) Any owner who under subsection (1) of this section pays any rate which, as between the owner and the occupier, the occupier is liable to pay, shall be entitled to be reimbursed by the occupier the amount so paid.

(10) The provisions of this section shall come into operation in any rating area on the date of the first new valuation and shall have effect in substitution for the provisions contained in sections three and four of the Poor Rate Assessment and Collection Act, 1869, and paragraph (*a*) of subsection (1) of section two hundred

and eleven of the Public Health Act, 1875, and, unless the rating authority concerned otherwise resolve, for any provisions contained in any local Act with respect to the rating of owners instead of occupiers, and as from the said date all resolutions, agreements, and notices then in force under any such provisions as aforesaid shall, subject as aforesaid, cease to have effect.

(11) For the purposes of this section the expression "owner," in relation to a hereditament means the person who is, or if the hereditament were occupied would be, entitled to receive the rent payable in respect thereof, or where the hereditament is occupied free of rent the person by whose permission it is so occupied.

Power and duty to make sufficient rates, &c.

12.—(1) Every local authority shall make such rates or issue such precepts as will be sufficient to provide for such part of the total estimated expenditure to be incurred by the authority during the period in respect of which the rate is made or precept is issued as is to be met out of moneys raised by rates, including in that expenditure any sums payable to any other authority under precepts issued by that authority, together with such additional amount as is in the opinion of the authority required to cover expenditure previously incurred (whether within six months before the making of the rate or issue of the precept, as the case may be, or not), or to meet contingencies or to defray any expenditure which may fall to be defrayed before the date on which the moneys to be received in respect of the next subsequent rate or precept will become available.

(2) The treasurer of a local authority may at any time advance to the authority any sum which the authority may temporarily require and which—

(*a*) they are at that time authorised to raise by loan; or

(*b*) they require for the purpose of defraying expenses pending the receipt of rates and revenues receivable by them in respect of the period of account in which those expenses are chargeable;

and the authority may pay interest at a reasonable rate on any advance so made.

(3) Any loss represented by any such charge for interest or any loss of interest, shall, if it arises from failure through wilful neglect or wilful default to make or collect such rates or to issue such precepts

as are necessary to cover the expenditure of the authority for any financial year (including any expenditure incurred in any previous year and not covered by rates previously levied), be deemed to be a loss within the meaning of section thirty-two of the Poor Law Amendment Act, 1844, and subsection (7) of section two hundred and forty-seven of the Public Health Act, 1875.

7 & 8 Vict. c. 101.

(4) This section shall have effect as from the appointed day.

Power for securing payment of precepts.

13.—(1) Where in pursuance of a precept issued by an authority (in this section referred to as "the precepting authority"), after the passing of this Act, any amount is payable directly or indirectly by a rating authority to the precepting authority and, on an application for a certificate by the precepting authority made after twenty-one days' notice given to the rating authority, the Minister is satisfied that the rating authority have refused or through wilful neglect or wilful default failed to raise that amount by a rate, or that, having raised the amount by a rate, the rating authority have refused or through wilful neglect or wilful default failed to pay the amount due under the precept, the Minister may issue a certificate to that effect and thereupon—

(*a*) the precepting authority shall have the like power of applying for a receiver; and

(*b*) a receiver may on such an application be appointed in like manner, and when appointed shall have the like power

as if—

(i) the precepting authority were a secured creditor of the rating authority for the amount due under the precept, with interest thereon at the rate of six per cent. per annum from the date when the amount became payable under the precept; and

(ii) the said amount and interest were due under a security issued under the Local Loans Act, 1875, charging them on the rates leviable by and on all other property of the rating authority; and

38 & 39 Vict. c. 83.

(iii) the conditions under which a receiver may in such a case be appointed under section twelve of that Act were fulfilled;

and the said section shall apply accordingly.

(2) If the Minister so thinks fit, an application under this section may be made by him instead of by the precepting authority.

(3) The powers of this section shall be in addition to and not in derogation of any other powers for enforcing compliance with a precept issued to a rating authority.

Limitation of right to appeal to quarter sessions against rate.

14. No appeal against a rate shall lie to quarter sessions in respect of any matter in respect of which relief might have been or might be obtained under the provisions of Part II. of this Act by means of an objection to the draft valuation list or to any alteration, insertion or correction made therein or by means of a proposal for the amendment of the current valuation list.

Recovery of rates from tenants and lodgers.

15.—(1) Where the rates due from the person rated for any hereditament are in arrear, it shall be lawful for the rating authority to serve upon any person paying rent in respect of that hereditament, or any part thereof, to the person from whom the arrears are due, a notice stating the amount of such arrears of rates and requiring all future payments of rent (whether the same have already accrued due or not) by the person paying the rent to be made direct to the rating authority until such arrears shall have been duly paid, and such notice shall, subject as hereinafter provided, operate to transfer to the rating authority the right to recover, receive, and give a discharge for such rent:

Provided that the right of the rating authority to recover, receive and give a discharge for any rent as aforesaid shall be postponed to any right in respect of that rent which may at any time be vested in a superior landlord by virtue of a notice under section six of the Law of Distress (Amendment) Act, 1908. 8 Edw. 7. c. 53.

(2) This section shall have effect as from the appointed day.

(3) In this section the expression "rent" includes a payment made by a lodger.

PART II.

VALUATION.

Areas and Authorities.

Assessment areas.

16.—(1) Subject to the provisions of this Part of this Act county boroughs and such other areas as may be

constituted by schemes made under this section shall be assessment areas for the purposes of this Part of this Act.

(2) As soon as may be after the passing of this Act the council of every county shall, after consultation with the authorities of the rating areas in the county and with the boards of guardians of the poor law unions situate wholly or partly in the county, make and submit to the Minister a scheme for the constitution of assessment areas consisting of one or more rating areas.

(3) Any two or more councils, whether councils of counties or county boroughs, may make and submit to the Minister a joint scheme for the constitution of assessment areas.

(4) A copy of any scheme submitted to the Minister under subsection (2) or subsection (3) of this section shall be forwarded forthwith by the council or councils submitting the scheme to the authorities of the rating areas and the boards of guardians of the poor law unions affected thereby.

(5) As soon as a scheme has been submitted to the Minister under this section, the council or councils submitting the scheme shall publish in one or more newspapers circulating in their area or areas a notice stating that the scheme has been so submitted and that a copy thereof is open to inspection at a specified place.

(6) No scheme submitted to the Minister under this section shall be of any effect unless and until it is approved by the Minister, and the Minister, after considering any representations with respect to the scheme which may be submitted to him by rating and other local authorities and any other interested parties (which representations rating and other local authorities and any other interested parties are hereby authorised to make), may approve the scheme with or without modifications.

(7) If the council of any county fails to submit to the Minister within six months after the passing of this Act a scheme for the constitution of assessment areas, the Minister may himself make a scheme for the purpose after consultation with the councils and boards of guardians concerned.

(8) Any scheme made under this section may be revoked or varied—

(*a*) by a new scheme made and submitted to and approved by the Minister in accordance with the

provisions (subject to any necessary modifications) of subsections (2), (3), (4), (5) and (6) of this section; or

(*b*) by a new scheme made by the Minister on a representation made by any assessment committee or rating authority and after consultation with the councils and boards of guardians concerned.

(9) Before a scheme is made by the Minister under this section, he shall publish in one or more newspapers circulating in the areas to which the scheme relates, a notice stating his proposal to make the scheme, and that a copy of the draft scheme is open to inspection at a specified place and specifying a date by which any persons affected may send to him representations with respect to the draft scheme.

(10) In making schemes under this section regard shall be had to the population and rateable value of the rating areas which will be affected by the scheme and to the desirability that each assessment area shall have an administrative centre which is appropriate for the carrying out of the work of assessment in the area and convenient for the attendance of the persons interested therein, and that suitable premises for the transaction of the business of the assessment committee for the assessment area shall be available without unnecessary expenditure.

Assessment committees.

17.—(1) There shall be an assessment committee for every assessment area.

(2) The assessment committee for an assessment area shall, in the case of an assessment area being a county borough, be appointed as soon as may be after the passing of this Act, and in the case of any other assessment area shall be appointed as soon as may be after the assessment area has been constituted, and as from the appointed day assessment committees shall exercise such powers and perform such duties as are conferred on them by this Act, and all assessment committees constituted under the Union Assessment Acts, 1862 to 1880, shall cease to exist.

(3) In the case of an assessment area being a county borough, the assessment committee shall consist of such number of persons to be appointed by the council of the borough as may be determined by the council, and of the persons to be so appointed not less than one-quarter shall

be persons appointed to represent the boards of guardians of any unions any parts of which are comprised in the area of the borough and not less than one-fifth shall be persons who are neither members of the council of the borough nor members of any such board of guardians as aforesaid.

The persons appointed as aforesaid to represent boards of guardians shall be persons nominated by the boards.

(4) In the case of any other assessment area the assessment committee shall consist of persons to be appointed by the following authorities, being authorities whose area or any part of whose area is comprised in the assessment area, that is to say, rating authorities, boards of guardians and the councils of counties, and the proportion in which the said authorities shall be represented shall be determined by the scheme constituting the area.

(5) The provisions contained in the First Schedule to this Act shall have effect with respect to assessment committees.

County valuation committees.

18.—(1) For the purposes of this Part of this Act there shall be established in every county a committee of the county council (to be called "the county valuation committee") consisting of such number of persons, being members of the council of the county, as the council may think fit to appoint and of a representative of the assessment committee for each assessment area which, or any part of which, is comprised in the area of the county to be nominated by the assessment committee.

(2) It shall be the duty of every county valuation committee to take such steps as the committee think fit for promoting uniformity in the principles and practice of valuation and assisting rating authorities and assessment committees in the performance of their functions under this Part of this Act, and for the purpose of the performance of the said duty the committee shall have power, either alone or in conjunction with county valuation committees for other counties, to hold conferences with persons representing assessment committees (including assessment committees for county boroughs), and to bring to the notice of any rating authorities or assessment committees any conclusions arrived at or recommendations made by the committee or at any such conference.

(3) A county valuation committee may, either alone or in conjunction with any rating authority, assessment committee or other county valuation committee, appear as a party to any objection or appeal under this Part of this Act:

Provided that the committee shall not be entitled so to appear in opposition to any objection made or appeal brought by the occupier of the hereditament affected unless not less than three days before the date of the hearing of the objection or, in the case of an appeal, such longer period as may be required by the rules relating to appeals, the committee have given notice in writing to the occupier stating their intention so to appear and the grounds of their opposition or the representations which they propose to make at the hearing.

(4) Notwithstanding anything in this section, subsections (1) and (2) of section eighty-two of the Local Government Act, 1888 (which relates to the proceedings of committees appointed by county councils), shall apply in relation to the county valuation committee, and subsection (3) of section eighty of the said Act shall apply in relation to expenditure incurred or to be incurred in connection with the exercise by the committee of its functions as it applies to any other expenditure of a county council.

Valuation Lists.

Making and operation of new valuation lists.

19.—(1) A new valuation list shall be made in accordance with this Part of this Act for every rating area so as to come into force either on the first day of April, nineteen hundred and twenty-eight, or the first day of April, nineteen hundred and twenty-nine, and a second new valuation list shall be so made so as to come into force for every such area on the first day of April, in the year nineteen hundred and thirty-two, the year nineteen hundred and thirty-three, or the year nineteen hundred and thirty-four, and thereafter new valuation lists shall be made from time to time so that the interval between the dates on which one valuation list and the next succeeding valuation list respectively come into force shall be a period of five years:

Provided that the Minister may by order—

(*a*) on the application of the assessment committee for any assessment area, extend or reduce by

six months the interval which would otherwise elapse between the coming into force of any two successive valuation lists for any rating area, and may for that purpose substitute the first day of October for the first day of April, and (in the case of such a substitution having been made) thereafter substitute the first day of April for the first day of October, as the date on which a new valuation list is to come into force; and

(*b*) on the application of any rating authority made with the concurrence of the assessment committee, divide the rating area into parts for the purposes of a new valuation list and determine the years in which the next following valuation list for each of such parts respectively shall be made in pursuance of such order and come into force.

(2) Subject to the provisions of any such order as aforesaid, every new valuation list shall come into force on the first day of April next following the date on which it is finally approved by the assessment committee, and shall, subject to the provisions of this Act (including the provisions with respect to the alteration of and the making of additions to the valuation list), remain in force until it is superseded by a new valuation list.

(3) The question as to the year in which the first or the second new valuation list for any area is to come into force shall be determined by the assessment committee after consultation with the rating authority.

Effect of valuation list. 10 Edw. 7. and 1 Geo. 5. c. 24.

20.—(1) For the purpose of every rate as defined by this Act, and for the purpose of determining the annual value of premises under the Licensing (Consolidation) Act, 1910, or under the enactments relating to the qualification of a manager of a school or asylum district, or, save as hereinafter mentioned, of a juror, the valuation list as in force at the time when the rate is made or the value of the premises is to be determined, shall be conclusive evidence of the values of the several hereditaments included in the list:

Provided that, for the purposes of determining the qualification of a special juror, the rateable value of premises shall be taken to be the net annual value as appearing in the list.

(2) Where for the purposes of the Licensing (Consolidation) Act, 1910, it is necessary to make a separate valuation of any hereditament by reason of its not being separately valued in any valuation list, the value of that hereditament shall be ascertained in the same manner as if this Act had not passed.

Contents of valuation list.

21.—(1) Subject to the provisions of this Act, there shall be inserted in the valuation list such particulars with respect to every hereditament in the rating area and the value thereof as may be prescribed.

(2) The particulars with respect to each parish in the rating area shall be set out in a separate division of the valuation list.

Ascertainment of rateable value.

22.—(1) For the purposes of the first new valuation list to be prepared under this Act and of any subsequent valuation list the rateable value of a hereditament shall be ascertained as follows:—

(*a*) If the hereditament belongs to one of the classes specified in the first column of the table contained in Part I. of the Second Schedule to this Act, there shall be deducted from the gross value of the hereditament an amount representing the deduction specified with respect to hereditaments of that class in the second column of the said table, and also, in the case of a hereditament subject to any rate, charge, or assessment made by any commissioners of sewers or other like authority in respect of any drainage, wall, embankment, or other work for the benefit of the hereditament (not being a usual tenant's rate), such further amount as represents the average annual amount of that rate, charge, or assessment, and the gross value as so reduced is in this Act referred to as the net annual value:

(*b*) If the hereditament is not such a hereditament as is mentioned in paragraph (*a*), there shall be estimated the rent at which the hereditament might reasonably be expected to let from year to year if the tenant undertook to pay all usual tenant's rates and taxes and tithe rentcharge, if any, and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the hereditament in a state

to command that rent, and the annual rent as so estimated shall, for the purposes of this Part of this Act, be taken to be the net annual value of the hereditament:

(*c*) The rateable value of a hereditament shall be taken to be the net annual value thereof as ascertained under paragraph (*a*) or paragraph (*b*), as the case may be, except that if the hereditament belongs to one of the classes specified in the first column of the table contained in Part II. of the said Schedule, its rateable value shall be taken to be the amount produced by making from the net annual value such deduction as is specified with respect to hereditaments of that class in the second column of the said table:

(*d*) if the amount of the net annual value and of the rateable value, in a case where those values are the same, or in any other case the amount of the rateable value, includes a fraction of a pound, the amount of both those values or of the rateable value, as the case may be, shall be increased or reduced, as the case may be, to the nearest complete pound, or if the fraction is ten shillings the fraction shall be disregarded.

(2) As from the date of the first new valuation any deduction made in pursuance of the provisions of Part II. of the said Schedule from the net annual value of agricultural land shall, so far as it affects the raising of money which if this Act had not passed would have been raised by rates to which the Agricultural Rates Acts, 1896 and 1923 apply, be treated for the purposes of those Acts as if it were the relief from rates for which provision is made by those Acts, and, subject as aforesaid, any deduction made in pursuance of the provisions of the said Part II. from the net annual value of any hereditament shall for all purposes be taken to be in substitution for any corresponding relief in respect of rating to which the occupier of that hereditament would have been entitled under the Acts relating to the public health, or any local Act, or otherwise, if this Act had not passed.

59 & 60 Vict. c. 16.
13 & 14 Geo. 5. c. 39.

(3) The provisions set out in Part III. of the said Schedule shall have effect in relation to the deductions to be made under this section.

Assessment of certain buildings occupied in parts.

23.—(1) Where a building which was constructed or has been adapted for the purposes of a single dwelling-house, or as to part thereof for such purpose, and as to the remainder thereof for any purpose other than that of a dwelling or residence, is occupied in parts, the rating authority or the assessment committee in preparing, or revising a draft valuation list, or in amending a current valuation list may, if they think fit, having regard to all the circumstances of the case, including the extent, if any, to which the parts separately occupied have been severed by structural alterations, treat the building or any portion thereof as a single hereditament, and a building or portion of a building so treated as a single hereditament shall, for the purposes of rating, be deemed to be a single hereditament in the occupation of the person who receives the rents payable in respect of the parts.

(2) This section shall have effect in any area for the purpose of the making of the first new valuation list under this Act for that area and for the purpose of the revision of that list and the making or revision of any subsequent list, but shall not have effect for the purpose of the making or revision of any other valuation list.

Valuation of hereditaments containing machinery and plant.

24.—(1) For the purpose of the making or revision of valuation lists under this Part of this Act, the following provisions shall have effect with respect to the valuation of any hereditament other than a hereditament the value of which is ascertained by reference to the accounts, receipts or profits of the undertaking carried on therein:—

(*a*) All such plant or machinery in or on the hereditament as belongs to any of the classes specified in the Third Schedule to this Act shall be deemed to be a part of the hereditament:

(*b*) Subject as aforesaid, no account shall be taken of the value of any plant or machinery in or on the hereditament.

(2) The rating authority or the assessment committee, as the case may require, shall, on being so required in writing by the occupier of any hereditament, furnish to him particulars in writing showing what machinery or plant, or whether any particular machinery or plant, has

been treated in pursuance of the provisions of this section as forming part of the hereditament.

(3) For the purpose of enabling all persons concerned to have precise information as to what machinery and plant falls within the classes specified in the said Third Schedule, there shall be constituted a committee consisting of five persons to be appointed by the Minister, and the said committee shall as soon as may be after the passing of this Act prepare a statement setting out in detail all the machinery and plant which appears to the committee to fall within any of the classes specified in the said schedule.

(4) The committee shall as soon as the said statement has been prepared transmit it to the Minister, who shall cause it to be published in such manner as he thinks fit.

(5) The Minister, after considering the statement and any representations which may be made to him with respect thereto, may, if he thinks fit, make an order confirming it, with or without modifications, and, subject as hereinafter provided, the statement as confirmed by the order shall for all purposes have effect as if it were substituted for the Third Schedule to this Act.

The order confirming the statement shall as soon as may be after it is made be laid before both Houses of Parliament, and if either House within the next subsequent twenty days on which that House has sat next after the order is laid before it presents an Address to His Majesty against the order, or any part thereof, the order, or that part of the order, shall thenceforth be void, but without prejudice to the validity of anything done thereunder and without prejudice to the making of a new order.

(6) The statement confirmed as aforesaid shall be revised at such intervals as the Minister may direct, and the provisions of subsections (4) and (5) of this section shall, subject to the necessary modifications, have effect in relation to the revised statement as they have effect in relation to the original statement, except that a revised statement shall (subject to the provisions contained in subsection (5) with respect to the presentation of an Address to His Majesty) come into operation on such date as may be specified in the confirming order.

(7) For the purposes of this section there shall be constituted a panel of referees, and if on or in connection

with any objection or proposal made or appeal brought under this Part of this Act a question is raised whether any particular plant or machinery falls within any of the classes or descriptions specified in the confirmed statement, that question may, with the consent in writing of the parties to the proceedings, be referred by the assessment committee or court, as the case may be, to and determined by such member of the panel as may be agreed on by the parties or, in default of agreement, as may be selected in accordance with rules made under this section.

(8) The said panel shall consist of persons to be appointed by the Lord Chief Justice of England, and the Lord Chief Justice may make rules fixing the fees to be charged in respect of proceedings before a referee and with respect to the procedure on and in connection with references under this section and with respect to the selection of a referee in cases where the parties fail to agree as to the member of the panel to be appointed, and provision may be made by the rules for applying to references under this section (subject to the express provisions thereof) any of the provisions of the Arbitration Act, 1889, but except in so far as it may be so applied, that Act shall not apply to references under this section. 52 & 53 Vict. c. 49.

(9) A referee under this section may, and shall if so required by any party to the reference, before making his award inspect the plant or machinery in respect of which the question arises, and the award of the referee shall be final and conclusive.

(10) Nothing in this section shall affect the law or practice with regard to the valuation of hereditaments the value of which is ascertained by reference to the accounts, receipts or profits of an undertaking carried on therein, or be taken to extend the class of property which is under the law and practice as in force at the commencement of this Act deemed to be provided by the occupier and to form part of his capital.

Preparation of Valuation Lists.

25.—(1) Where the rating authority of any area have in pursuance of the provisions of this Part of this Act issued notices requiring returns in connection with the making of a new valuation list under this Part of this Act, the authority shall, as soon as may be after the expiration of the period allowed for the delivery of the returns, Making of draft valuation list.

cause to be prepared a draft valuation list (in this Part of this Act referred to as "the draft list") for their area.

(2) The rating authority shall, as soon as may be after the draft list has been prepared, cause it to be signed by their clerk and to be deposited in accordance with the provisions of this Part of this Act, and a copy thereof to be transmitted forthwith to the assessment committee.

(3) The rating authority in preparing the draft list shall comply with all such directions as may be given by the assessment committee for the purpose of carrying into effect the provisions of this Part of this Act with respect to the procedure for the preparation of the valuation list.

(4) The provisions contained in Part I. of the Fourth Schedule to this Act shall apply with respect to the deposit, inspection, transmission and notification of draft lists.

Objections to draft valuation list.

26.—(1) Any person (including the county valuation committee and any local authority) aggrieved by the incorrectness or unfairness of any matter in the draft list, or by the insertion therein or omission therefrom of any matter, or by the valuation as a single hereditament of a building or a portion of a building occupied in parts, or otherwise with respect to the list, may in accordance with the provisions of this Part of this Act lodge an objection with the assessment committee at any time before the expiration of twenty-five days from the date on which the draft list was deposited.

(2) Where a rating area has been divided into parts for the purpose of a new valuation list a person shall not be deemed to be aggrieved in respect of the valuation of any hereditament in one of those parts by reason of any disparity between the valuation of that hereditament and the valuation of any hereditament situated in a part of the area the new valuation list for which is to be made in a subsequent year.

(3) The provisions contained in Part II. of the Fourth Schedule to this Act shall apply with respect to notices of objections.

Revision of draft valuation list by assessment committee.

27.—(1) The assessment committee shall hold meetings for considering any objections made to the draft list in accordance with the provisions of this Part of this Act, and on the consideration of any objection

the objector, the rating authority, the county valuation committee, and the occupier of the hereditament to which the objection relates shall be entitled to appear and to be heard, and to examine any witness before the assessment committee and to call witnesses:

Provided that the assessment committee may at any such meeting consider any objection, although notice thereof has not been given in accordance with this Act, if the persons to whom copies of the notice of objection are required by this Act to be given consent to the consideration of the objection.

(2) On their revision of the draft list the assessment committee may, subject to the provisions of this Act, make such alterations, insertions and corrections in the list, whether for the purpose of meeting an objection or for any other reason as they think proper:

Provided that any person aggrieved by any alteration, insertion or correction made in the draft list by the assessment committee otherwise than in determining an objection may, in accordance with the provisions of this Part of this Act, lodge an objection with the assessment committee at any time within fourteen days after the date on which notice of the alteration, insertion or correction is served on him.

(3) The provisions contained in Part III. of the Fourth Schedule to this Act shall have effect with respect to the time at which meetings for considering objections are to be held, the notice of those meetings and the proceedings in connection therewith.

Final approval of valuation list.

28.—(1) The assessment committee shall, in any case not later than the thirty-first day of January or the thirty-first day of July, as the case may be, in the year in which under the foregoing provisions of this Act the valuation list is to come into force, or if all objections (other than objections the hearing of which has been postponed at the request of any party thereto) have been previously heard and determined, as soon as may be after the objections have been so heard and determined, finally approve the draft list, and append to the draft list so approved a declaration of approval and certificate of compliance with this Part of this Act, signed by three members of the committee present at the meeting at which the list is so approved, and shall forthwith after

approving the list cause it to be transmitted to the rating authority of the district, and send to the clerk of the peace for every county or borough having a separate court of quarter sessions in which any part of the rating area is comprised a notification of the approval of the draft list and of the date of the approval.

(2) Before approving the draft list the assessment committee shall cause such particulars with respect to totals of values as may be prescribed, both in respect of the whole rating area and also in respect of any parish or other area which is liable to be charged separately under any precept or to bear any special expenses, to be ascertained and inserted in the list.

(3) The draft list for any rating area finally approved and sent to the rating authority as aforesaid shall, subject to any alterations made in accordance with this Part of this Act, be the valuation list for the rating area and shall come into force on such date as is provided by this Part of this Act, and the valuation list in force shall, unless the contrary is proved, be deemed to have been duly made in accordance with the provisions of this Part of this Act.

(4) The rating authority on receiving the list shall deposit it at the offices of the authority.

(5) The rating authority shall give effect to any directions which may from time to time be given to them by the assessment committee in pursuance of the provisions of this Part of this Act authorising or requiring assessment committees to make corrections or alterations in valuation lists.

Record of totals.

29. Every assessment committee shall cause to be kept a record of such particulars with respect to totals of values as may be prescribed for every rating area in the assessment area, and for every other area therein in the case of which total values are required to be inserted in the valuation list.

Correction of clerical errors.

30. An assessment committee may at any time cause to be corrected any clerical or arithmetical error in a valuation list, and the valuation list shall have effect accordingly, but if the correction is made in respect of any matter other than totals, the committee shall before making the correction send notice thereof to the occupier of the hereditament affected and to the rating authority of the rating area, and shall allow seven days to

elapse for the making of any objection to the proposed correction.

Appeals.

Appeal to quarter sessions.

31.—(1) Any person who appeared before the assessment committee on the consideration of an objection made before the committee under this Part of this Act may, if he is aggrieved by the decision of the committee on the objection, appeal against the decision, in manner provided by this Part of this Act, to the court of quarter sessions for the county or place where the hereditament to which the objection related is situate.

(2) Any person on whom a copy of a notice of an appeal to a court of quarter sessions under this Part of this Act is required to be served may, if he thinks fit, appear as respondent to the appeal:

Provided that—

(*a*) in any case where there is more than one respondent to an appeal, no order shall be made against the appellant for the payment of the costs of more than one of the respondents, and if costs are ordered to be paid to the appellant, the court may apportion those costs among the several respondents in such manner as the court thinks just; and

(*b*) where the appellant is the county valuation committee or a local authority, the occupier of the hereditament to which the appeal relates may at any time before the hearing of the appeal instead of appearing as respondent give notice to the court that he desires to be called as a witness in the case, and if he gives such a notice shall, unless called as a witness by any party to the appeal be called by the court as a witness and may be cross-examined by or on behalf of any party to the appeal.

(3) The provisions contained in Part I. of the Fifth Schedule to this Act shall have effect with respect to notices of appeal to quarter sessions.

(4) On an appeal under this section the court shall, as it thinks just, either confirm the valuation list or alter the valuation list to give effect to the contention of the appellant so far as that contention appears to the court to be well founded.

(5) On the determination of an appeal under this section any party to the appeal may, if dissatisfied with the decision of the court as being erroneous in point of law, make an application in writing at any time within twenty-one days after the date of the decision to have a case stated for the opinion of the High Court on the point of law, and the court shall, unless it is of opinion that the application is frivolous, state a case accordingly :

Provided that the court may impose such conditions as it thinks fit with respect to the payment of the costs of and in connection with all or any of the stages of the case by the party by whom the application for the case was made, having regard to the importance of the question of law involved from the point of view of the several parties to the proceedings.

(6) Sections twelve, thirteen and fourteen of the Quarter Sessions Act, 1849 (which relate to arbitration), shall not apply in the case of an appeal under this section, but the appellant and the persons who have given notice of intention to appear as respondents to the appeal may agree in writing either to refer the matter in dispute, or any question or issue arising therein, to arbitration in accordance with the provisions contained in Part II. of the Fifth Schedule to this Act, or to appoint a person to value any hereditament, or any part thereof, and to accept the valuation made by that person as binding for the purposes of the appeal and to treat the costs of and incidental to the valuation as part of the costs of the appeal.

12 & 13 Vict. c. 45.

(7) Any award of an arbitrator and any judgment of a superior court with respect to an appeal under this Part of this Act (whether upon a case stated by a court of quarter sessions or by the parties or by an arbitrator, or upon an application for a writ of certiorari or otherwise) may be enrolled at quarter sessions upon the application of any party interested therein, and thereupon quarter sessions shall cause such order to be issued as may be necessary to give effect thereto.

(8) A writ of certiorari for questioning any decision of a court of quarter sessions on an appeal under this Act shall be sued out within three months after the decision is given.

(9) Any officer of an assessment committee, rating authority, or county valuation committee acting under any special or general resolution of the committee or

authority may authorise the institution, carrying on or defence of any proceedings in relation to the valuation list which the committee or authority are themselves authorised to institute, carry on or defend.

(10) Where the decision on an appeal under this section or any award of an arbitrator or judgment of a superior court which has been enrolled at quarter sessions involves an alteration of the valuation list, the clerk of the court shall send to the county valuation committee and the assessment committee a statement in writing signed by him setting out the decision of the court or the award or judgment, as the case may be, and specifying the alteration to be made in the list.

(11) A justice of the peace shall not be disqualified for taking part in the determination of an appeal under this Part of this Act by reason of the fact that he is a ratepayer in any rating area within the county (not being the rating area in which the hereditament to which the appeal relates is situate), or by reason that he is a member of any authority (not being an authority which is a party to the appeal) which joins in the appointment of the assessment committee or pays part of the expenses thereof, but no justice who is a member of any local authority shall be qualified to take part in the determination of an appeal under this Part of this Act if the appeal relates to any hereditament which is the property or in the occupation of the authority.

Procedure on appeals.

32.—(1) The powers and duties of a court of quarter sessions with respect to appeals under this Act shall, in the case of quarter sessions for a county, be delegated to and be performed by a committee of the justices of the county appointed by quarter sessions, and sittings of the committee shall be held at one or more places, as the committee think proper, having regard to the convenience of parties to appeals.

(2) A committee appointed by quarter sessions under this section shall be deemed to be a standing committee of quarter sessions for the period for which they are appointed, or if no period is fixed until their successors are appointed, and their jurisdiction shall not be affected by the termination of the sessions at which they were appointed and may be exercised at any date and continuously, whether the court of quarter sessions is, or is not, for other purposes in session.

(3) Subject to the provisions of this Act and any rules made thereunder, a committee appointed under this section shall for the performance of the duties delegated to them have all the same powers as regards costs and other matters under the Quarter Sessions Act, 1849, or otherwise as if they were the court of quarter sessions; and for the purpose of the provisions of the said Act relating to costs the assessment committee shall, if no other person appears as respondent to the appeal, be deemed to be a respondent to the appeal, whether they appear on the hearing of the appeal or not.

(4) The mode of appointment of a committee under this section, the number and, subject to the provisions of this Act, the procedure of the committee shall be determined by quarter sessions:

Provided that—

(*a*) the chairman of the committee shall be appointed annually by quarter sessions, who in making the appointment shall have regard to judicial or other legal experience; and

(*b*) not less than five and not more than seven members shall take part in the determination of any appeal.

(5) In the determination of any appeal the chairman or acting chairman of the committee shall have a second or casting vote.

(6) Where quarter sessions have customarily been held separately by adjournment or otherwise for any part of a county, a Secretary of State may by order, on the application of the justices sitting at each such separate sessions, for the purposes of appeals under this Act constitute any part of the county for which quarter sessions are for the time being so separately held a separate county, and the justices usually sitting at those separate quarter sessions a separate quarter sessions, and make all necessary provisions for the hearing of appeals in such a case.

(7) The powers and duties of quarter sessions with respect to appeals under this Act shall, in the case of quarter sessions for a borough having a separate court of quarter sessions, be exercised by the recorder as sole judge of the court, and may be so exercised at any date and continuously, whether the court of quarter sessions is, or is not, for other purposes in session.

(8) On the hearing of an appeal by a committee of quarter sessions under this section any party to the appeal may, if the rateable value of the hereditament to which the appeal relates as appearing in the valuation list does not exceed one hundred pounds, appear by solicitor instead of in person or by counsel.

Appointment by court of person to value hereditaments.

33. If any party to an appeal to a court of quarter sessions under this Act makes an application to the court, either before the hearing of the appeal or at any time during the hearing before evidence as to value has been adduced, to direct a valuation of any hereditaments in relation to which the appeal is made, the court in their discretion may appoint a proper person to make the valuation, and the person so appointed shall have power to enter on, survey and value the hereditaments in respect of which the direction is given:

Provided that—

(*a*) the costs of the valuation shall be deemed to be costs of the appeal but shall be payable in the first instance by the applicant, and except where the application is made by the council of a county, a county valuation committee, a rating authority, an assessment committee or a board of guardians, the court shall not make any order on the application unless the applicant gives such security as the court think proper to pay the costs of the valuation; and

(*b*) the court may, and on the application of any party to the appeal shall, call as a witness the person so appointed, and, if he is so called, any party to the appeal shall be entitled to cross-examine him.

Power to make rules with respect to appeals.

34. The Secretary of State may make rules generally with respect to the practice and procedure to be followed on and in connection with appeals under this Part of this Act, and in particular, without prejudice to the generality of the foregoing description, may by those rules—

(*a*) prescribe scales of costs:

(*b*) prescribe fees to be charged in connection with appeals and arbitration:

(*c*) provide for the exercise by the clerk of the peace in the case of any preliminary proceedings of any of the powers of the court of quarter sessions:

(*d*) provide for the appointment of a person to act in lieu of the clerk of the peace in any case where the clerk of the peace is also an officer of any authority or committee which is a party to an appeal, and for the assignment to a person so appointed of remuneration, to be paid out of the county fund or the general rate fund of the borough, as the case may be, on such scale as may be specified in the rules:

(*e*) prescribe the forms to be used in connection with appeals and arbitration.

Alteration of list in consequence of decisions on appeal.

35. The assessment committee shall cause such alterations to be made in the valuation list as are specified in any statement sent to the committee under the foregoing provisions of this Act with respect to a decision, award or judgment given on an appeal under this Act, and shall also cause such alteration of totals to be made as is consequential on any such alteration made under this section.

Rate to be levied notwithstanding appeal.

36.—(1) Any rate in respect of which the valuation list is conclusive shall be made and levied in accordance with the valuation list in force for the time being, and shall be collected and be recoverable, notwithstanding any appeal which may be pending with respect to that list:

Provided that where in the case of any hereditament the value questioned by the appeal exceeds the value of that hereditament as last previously determined under this Part of this Act, the amount recoverable pending the decision of the appeal shall not, unless the hereditament has been substantially altered since its value was last previously determined, exceed the amount which would have been recoverable if its value had not been so increased.

(2) Where in pursuance of the last preceding section of this Act there is made in the valuation list an alteration which affects the amount of any rate levied in respect of any hereditament in accordance with the list, the difference, if too much has been paid, shall be repaid or allowed, or, if too little has been paid, shall be paid and may be recovered as if it were arrears of the rate.

Revision of current Lists.

Amendment of current valuation list.

37.—(1) Any person (including the county valuation committee and any local authority) who is aggrieved by

the incorrectness or unfairness of any matter in the valuation list for the time being in force, or by the inclusion therein or omission therefrom of any matter, or by the valuation as a single hereditament of a building or a portion of a building occupied in parts, or otherwise with respect to the list, may make in manner provided by this section a proposal for the amendment of the list (in this section referred to as "a proposal"), and where a rating authority in pursuance of the provisions of this Act make any amendment in a rate other than the correction of a clerical or arithmetical error, or the correction of an erroneous insertion, omission, or misdescription, the authority shall forthwith make a proposal for any necessary amendment of the list.

(2) Every proposal made under this section must—

(*a*) be made in writing and, except where it is made by the rating authority, be served on the rating authority;

(*b*) specify the grounds on which the proposed amendment is supported.

(3) The rating authority shall, within seven days after the date on which the proposal is made by or served on them, transmit a copy thereof, in the case of a proposal made otherwise than by the occupier of the hereditament to which it relates, to the occupier, or, where there is no occupier, to the owner thereof, and shall not less than twenty-one days before the date of the meeting at which the proposal will be considered by the assessment committee, transmit to him, a notice of the date on which the meeting aforesaid will be held and a short statement of the effect of the next following subsection of this section.

(4) Any person to whom a copy of a proposal is transmitted as aforesaid may, if he thinks fit, give to the rating authority notice in writing of objection to the proposal, and unless he gives such notice he shall not be entitled to be heard at the meeting in opposition to the proposal.

Any such notice as aforesaid must be given not less than seven days before the date on which the meeting for considering the proposal is to be held and must state the grounds of the objection.

(5) The rating authority shall forthwith transmit to the person by whom a proposal is made a copy of any

notice of objection thereto which has been received by them, and if they themselves intend to object to the proposal shall forthwith give to that person notice of their intention and of the grounds of the objection.

(6) The rating authority shall from time to time and at such times as the assessment committee may direct furnish to the assessment committee returns and other particulars with respect to all proposals and any notices of objection thereto given to the rating authority.

(7) The assessment committee shall hear and determine any proposal as if it were an objection to a draft list, and all the foregoing provisions of this Part of this Act relating to the hearing and determining of such an objection shall apply accordingly.

(8) If the person by whom any proposal is made under this section, or a person who objects to any such proposal, or the rating authority is aggrieved by the decision of the assessment committee thereon that person, or authority, as the case may be, may within twenty-one days after the date of the decision appeal against the decision in the same manner as if the decision were a decision of the committee on an objection to a draft list, and subject to the express provisions of this section all the provisions of this Part of this Act with respect to appeals against such a decision shall apply accordingly.

(9) The assessment committee shall as soon as may be after any proposal made under this section has been disposed of by them, cause the proper alterations in or additions to the valuation list to be made (including any consequential alterations to totals), and shall give notice of the alterations and additions to the occupier or, where there is no occupier, to the owner of the hereditament affected.

(10) Subject as hereinafter provided, an amendment made in the valuation list in pursuance of this section shall, in relation to any rate current at the date when the proposal in pursuance of which the amendment was made was served on the rating authority, or, where notice of the proposal was given to the occupier or owner, as the case may be, of the hereditament affected, current at the date when the notice was so given, be deemed to have had effect as from the commencement of the period in respect of which the rate was made, and shall, subject to the provisions of this section, have effect for the purposes of

any subsequent rate, and the provisions of subsection (2) of the last preceding section of this Act shall have effect accordingly:

Provided that, in the case of an amendment consisting of the inclusion in the valuation list either of a newly-erected or newly-constructed hereditament or an altered hereditament which has been out of occupation on account of structural alterations, or of the alteration in the valuation list of the value of any hereditament, where the value thereof has been affected by the making of structural alterations or by the total or partial destruction of any building or other erection by fire or any other physical cause, the amendment shall have effect only as from the date when the new or altered hereditament comes into occupation, or as from the happening of the event giving rise to the alteration of the value of the hereditament, as the case may be, or in a case where tithe, tithe commutation rentcharge or other payment in lieu of tithe is extinguished in whole or in part, as from the date on which the extinction takes effect.

(11) Every assessment committee shall hold such meetings as are in the opinion of the committee reasonably required for the prompt disposal of proposals made under this section with respect to the valuation lists of their area, and the meetings so to be held shall be held on such dates as may be fixed by the committee after consultation with the rating authorities in their area.

Employment of Valuers.

Power of authorities to employ valuers.

38.—(1) Any rating authority, assessment committee, or county valuation committee, may, if they think fit, employ a competent person to give advice or assistance in connection with the valuation of any hereditaments in their area, and any person so employed shall have power, at all reasonable times and after giving due notice, and on production, if so required, of authorisation in writing in that behalf from the rating authority or committee authenticated by the signature of their clerk, to enter on, survey and value any hereditament in the area of the authority or committee which the authority or committee may direct him to survey and value.

(2) If any person wilfully delays or obstructs any person in the exercise of any of his powers under this section he shall be liable on summary conviction to a fine not exceeding five pounds.

Powers of High Court in case of default by Rating Authority, Assessment Committee, &c.

Power of High Court to appoint person to act in place of defaulting authority.

39.—(1) If at any time it is shown to the satisfaction of the High Court, on an application made by the Minister, or the council of any county or county borough concerned, that there is reason to apprehend that by reason of default made by any authority, committee or person in complying with any of the provisions of this Part of this Act a valuation list for any area will not be duly prepared in accordance with those provisions so as to come into force on the proper date, the court may appoint such person as they think fit to make and approve the list for the said area or to do any such things as ought to have been done by the authority, committee or person in default.

(2) All costs properly incurred by a person appointed by the High Court under this section shall be paid by the authority, committee or person in default, and in case of dispute the amount payable as costs under this subsection shall be taxed in such manner as the High Court may direct.

Information and Returns.

Powers of rating authority to require returns.

40.—(1) In every case where a new valuation list is to be made under this Part of this Act for any rating area the rating authority shall serve notice on the occupier, owner or lessee of every hereditament in the area, or on any one or more of them, requiring him or them to make a return containing such particulars as may be reasonably required for the purpose of carrying out this Act.

The said notices shall be served not later than such date as will allow a sufficient interval for completing, in accordance with the provisions of this Part of this Act, the various stages in the preparation of the valuation list.

(2) The rating authority may at any time in connection with a proposal which has been made for the amendment of the valuation list, or with a view to the making of such a proposal, serve notice on the occupier, owner or lessee of any hereditament in the area or on any one or more of them requiring him or them to make a return.

(3) Every person on whom a notice to make a return is served in pursuance of the provisions of this section shall within twenty-one days after the date of the service

of the notice make a return in such form as is required by the notice, and deliver it in manner so required to the rating authority.

(4) The rating authority shall cause all returns delivered to the authority in pursuance of the last preceding subsection to be transmitted to the assessment committee.

(5) Any returns received under this section shall, after the relative lists are finally approved, or after the proposals for amendment have been disposed of, as the case may be, be sent by the assessment committee to the rating authority.

(6) Every assessment committee and every rating authority shall furnish to the county valuation committee all information which the county valuation committee may require for the due discharge of their functions under this Part of this Act and which it is in the power of the assessment committee or the rating authority to furnish.

Power of assessment committee to require returns.

41. If the assessment committee at any time desire any person who is the owner, lessee or occupier of any hereditament wholly or partly within the assessment area to make a return with respect to any of the matters with respect to which a return may be required under the last preceding section, they may serve a notice on that person requiring the return, and that person shall, within twenty-one days after service of the notice, send the required return to the assessment committee.

Penalties for failure to make returns, and for making false returns.

42.—(1) If any person on whom notice has been served under any of the provisions of the two sections of this Act last preceding fails without reasonable excuse to comply with the notice, he shall, on summary conviction, be liable in respect of each offence to a fine not exceeding twenty pounds, and to a further penalty not exceeding forty shillings for each day during which the default continues after conviction.

(2) If any person wilfully makes or causes to be made a return under either of the two sections of this Act last preceding which is false in any material particular, he shall, without prejudice to any liability to be proceeded against under any other enactment, be liable on summary conviction in respect of each offence to a fine not exceeding fifty pounds.

Miscellaneous.

Evidence of lists, and furnishing of copies of lists and tax assessments.

43.—(1) A valuation list as for the time being in force, or an extract from any such list, may be proved by the production of a copy of the list, or of the extract, purporting to be certified by the clerk of the rating authority to be a true copy or extract, and the certificate shall state that all alterations required to be made in pursuance of the provisions of this Part of this Act in the list, or in the part of the list extracted, have been correctly made in the copy or extract so produced.

(2) Any rating authority on application by a surveyor of taxes shall furnish to him a copy of their valuation list as for the time being in force, or of any rate for the time being in force, or any extract from the rate or list, on payment of a sum not exceeding the rate of five shillings for every hundred entries numbered separately, and the clerk of the rating authority shall, if required, certify the copy or extract in accordance with this section.

(3) Any county valuation committee, assessment committee, or rating authority may from time to time require the surveyors of taxes for their area to furnish to them (subject to payment therefor of a sum calculated at the rate aforesaid) a copy of the annual values for the time being in force for the purpose of income tax under Schedule A of the Income Tax Act, 1918, for all or any of the properties in that area:

8 & 9 Geo. 5. c. 40.

Provided that nothing in the foregoing provision shall extend to annual values which by law are not allowed to be made public.

Valuation list not to be rendered invalid by certain failures or omissions.

44. Any failure on the part of a rating authority or assessment committee to complete any proceedings with respect to the preparation of a valuation list within the time required by this Part of this Act, or the omission from a valuation list of any matters required by this Part of this Act to be included therein, shall not of itself render the list invalid.

Inclusion in one proceeding of separate hereditaments.

45. Any occupier or ratepayer may include in the same objection, appeal or other proceeding under this Part of this Act all or any hereditaments of which he is or is deemed to be the occupier or ratepayer which are comprised in the same valuation list, although they are separately assessed in that list.

Publication of notices.

46. Any notice required to be published under this Part of this Act by an assessment committee or rating authority shall be published by affixing it in some public or conspicuous place or situation in the area affected and by publishing it in one or more newspapers circulating in the] area of the committee or authority.

Use of public rooms.

47.—(1) Any assessment committee shall be entitled to use at any reasonable hours for the purpose of their meetings or for any other purposes of this Act any room which belongs to any rating authority within the assessment area or which any such authority is entitled to use.

(2) Any person having the control of any room maintained out of the proceeds of any rate levied within the area of a rating authority may put that room at the disposal of the assessment committee for the purposes of any meetings of the committee or for any other purposes of this Act.

(3) An assessment committee shall pay to the authority or body owning any room used by the committee in pursuance of this section such reasonable sum in respect of the use of a room as may be agreed between the said authority or body and the committee, or in default of such agreement may be determined by the council of the county in which the room is situated.

PART III.

GENERAL.

Existing Officers and Transfer of Property, &c.

Transfer of existing officers.

48.—(1) Any person who at the passing of this Act is an officer of an assessment committee under the Union Assessment Acts, 1862 to 1880, or, being an officer of a board of guardians, is employed in the service of such a committee, including a valuer appointed by the guardians under section thirty-two of the Poor Law Amendment Act, 1868, shall on the appointed day, as respects that office, be transferred to and become an officer of the assessment committee for the assessment area comprising the poor law union for which such officer acts or, where the poor law union is not wholly comprised within one assessment area, of the assessment committees for the assessment areas into which the poor law union extends.

31 & 32 Vict. c. 122.

(2) All assistant overseers, rate collectors, vestry clerks and other officers employed in the performance of the duties of overseers, who are in office at the passing of this Act, shall on the appointed day, as respects any such office or duties as are hereinbefore mentioned, be transferred to and become officers of the rating authority of the area comprising the parish for which the officer acts in the execution of that office or in the performance of those duties, and the provisions of any order authorising the appointment of an assistant overseer, collector of poor rates or vestry clerk shall, as from the appointed day, cease to have effect.

(3) In the succeeding provisions of this Part of this Act any officer transferred by this section, and the office or duties in respect of which he is so transferred, are respectively referred to as a " transferred officer " and a " transferred office."

(4) The assessment committee or the rating authority, as the case may require, may determine the appointment of any officer transferred to them, whose office they consider unnecessary.

(5) Where the salary of an assistant overseer, collector of poor rates or vestry clerk has been fixed in consideration of the performance by the officer of all or any of the duties of the office of clerk to the parish council, the salary of the officer payable under this Act by the rating authority shall be reduced by such yearly sum as may be determined by the rating authority to represent the proportion of the total salary which is payable in respect of such duties, and the liability of the rating authority for the payment to the officer as from the appointed day of the yearly sum so determined shall be transferred from the rating authority to the parish council.

(6) A parish council may appeal to the county council against a determination of the rating authority under the preceding subsection of this section and the decision of the county council on any such appeal shall be final and conclusive.

(7) Every transferred officer shall hold his office by the same tenure and on the same conditions as heretofore, and while performing similar duties, shall, in respect of a transferred office, receive not less salary or remuneration

and shall be entitled to not less pension (if any) than the salary, remuneration or pension to which he would have been entitled in respect of that office if this Act had not been passed.

(8) The assessment committee or the rating authority, as the case may require, may distribute their business among the transferred officers in such manner as they may think proper, and every officer shall perform such duties in relation to that business as may be directed by the assessment committee or rating authority.

(9) If, at any time within five years after the appointed day, any transferred officer is required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform in respect of the transferred office immediately before the appointed day, the officer may relinquish his office.

Compensation to existing officers.

49.—(1) Every officer of any authority or committee to or from whom duties are transferred by this Act, and every parish officer in office at the passing of this Act, who by virtue of this Act, or of anything done in pursuance or in consequence thereof, suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of fees, salary or emoluments and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to compensation under this Act for that loss.

(2) For the purposes of this section, any transferred officer—

(*a*) who relinquishes under the provisions of this Act a transferred office; or

(*b*) whose services are dispensed with or whose salary is reduced by any assessment committee or by any rating authority, within five years after the appointed day, because his services are not required, or his duties are diminished, and not on the ground of misconduct;

shall be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss in consequence of this Act.

(3) Any application by an officer for compensation under this Act shall be made to the assessment committee or assessment committees, or rating authority, to whom the officer is by this Act transferred.

(4) The provisions contained in the Sixth Schedule to this Act shall have effect with regard to the determination and payment of compensation under this Act to officers.

Determination of questions as to transferred officers, &c.

50. If any question arises as to—

(1) the transfer of an officer in consequence of the provisions of this Act;

(2) the authority to whom application by an officer is to be made for compensation under this Act; or

(3) the fund out of which the compensation (if any) is to be paid, or the proportions in which any compensation awarded is payable by any authorities;

the Minister may, on the application of the officer or any authority, determine the question.

Superannuation of transferred officers.

59 & 60 Vict. c. 50.

51.—(1) If the annual contributions required by the Poor Law Officers' Superannuation Act, 1896, have been made by any officer transferred by this Act to an assessment committee, or to a rating authority, the provisions of the Act of 1896 shall, as respects the transferred office, apply subject to such modifications as the Minister may by order direct for the purposes of making that Act applicable to the case.

(2) Any rating authority who have established under any local Act a superannuation fund or scheme or other fund or scheme for ensuring benefits to an officer on retirement, may, with the consent of any officer transferred to them by this Act, admit such officer to the benefits of that fund or scheme on such terms and conditions as they may think fit.

12 & 13 Geo. 5. c. 59.

(3) Notwithstanding anything in section twenty-seven of the Local Government and other Officers' Superannuation Act, 1922, if that Act can be and is adopted by a council, who are a rating authority, or by

an assessment committee, whether alone or in combination with another local authority and whether before or after the appointed day, the Minister may by order provide for the application of that Act, as regards any transferred office, to such of the officers transferred by this Act to the rating authority or assessment committee, as were subject to any superannuation scheme in respect of the transferred office before the appointed day.

(4) Nothing in this section shall require any officer to whom the Poor Law Officers' Superannuation Act, 1896, applies to become otherwise than with his consent a member of or contributor to any superannuation fund or scheme or other fund or scheme for securing benefits to an officer on retirement.

(5) Nothing in this Act shall transfer to any assessment committee or rating authority any liability of a board of guardians in respect of a superannuation allowance to an officer who shall have ceased to hold office before the appointed day.

Transitional provisions.

52. The provisions set out in the Seventh Schedule to this Act, (which relate to the transfer of the property and liabilities of existing authorities and to other transitional matters), shall have effect for the purpose of bringing this Act into operation.

Expenses, Accounts, and Officers of Authorities.

Expenses.

53.—(1) Any expenses incurred under this Act by an assessment committee, including the costs of an appeal awarded against or incurred by the committee under this Act, shall, where the assessment area consists of one rating area, be charged on that area, and shall, where the assessment area comprises two or more rating areas, be charged on those areas respectively in proportion to the rateable values of all property therein, and precepts may be issued by the assessment committee to rating authorities accordingly.

(2) An assessment committee may repay to any members of the committee attending conferences held by county valuation committees under this Act any travelling and subsistence expenses which may have been reasonably incurred by those members in so attending,

and any sums so repaid by an assessment committee to any of its members shall be treated as part of the expenses of the committee under this Act.

A county valuation committee may make similar repayments in the case of any members of the committee who are members of the council of the county, and any expenses incurred by a county valuation committee under this Act shall be defrayed as expenses for general county purposes.

(3) Where it appears to an assessment committee that an appeal under this Act in respect of a hereditament included in the valuation list for another area involves a principle which may affect the rateable value of property in the area of the committee, it shall be lawful for the committee to enter into an agreement with the assessment committee who are the respondents to the appeal to make a reasonable contribution towards any costs which may be incurred or be payable by that other committee in connection with the appeal.

(4) Any expenses incurred under this Act by a rating authority shall be paid out of the general rate raised by the authority for their area, or if incurred during the interval before the first general rate for the area is made under this Act, out of the poor rate.

(5) Any sums received under this Act by any authority, not being receipts from a rate, shall, subject to the foregoing provisions of this Act, be applied in the reduction of the expenses of the authority under this Act.

Accounts of assessment committees, &c.

54.—(1) The accounts of the receipts and expenditure under this Act of assessment committees, and of rating authorities, and of the officers of those authorities respectively, shall be made up, and shall be audited by district auditors, in like manner and subject to the same provisions as the accounts of a county council, and the enactments relating to the audit of those accounts, and to all matters incidental thereto and consequential thereon, shall apply accordingly, subject to such modifications, if any, as the Minister may prescribe.

(2) For the purposes of ascertaining the amount of the stamp duty chargeable in respect of the accounts of rating authorities, transfers from the rating account

of a rating authority to accounts relating to its various services shall be treated as sums paid in pursuance of precepts.

Power of rating authorities, assessment committees, and county valuation committees to appoint officers.

55.—(1) It shall be lawful for rating authorities, assessment committees, and county valuation committees to appoint for the purposes of this Act such rating officers, valuation officers and other officers as they think fit, and to pay to any officers so appointed such reasonable salaries as they think fit.

(2) Where any officer appointed by a rating authority under this section or transferred to them by this Act is entrusted with the custody or control of money, the rating authority, unless a policy of guarantee or other security is in force of such an amount as may reasonably be expected to cover any loss in the event of a default of the officer, shall obtain a policy of guarantee, or other security, of adequate amount, for the due performance by the officer of his duties.

(3) Any security obtained by a rating authority under this section shall remain in full force notwithstanding any alteration in the boundary of the rating area, or any change in the district for which the officer is to act.

(4) The rating authority may defray the cost of any security obtained by them under this section, and every such security shall be produced to the district auditor at the audit of the accounts of the rating authority.

Authority to clerk to collect rates.

56. The rating authority may either generally or in respect of any special proceeding by resolution authorise their clerk to institute, carry on, or defend proceedings in relation to the collection or recovery of rates which the rating authority are themselves authorised to institute, carry on, or defend.

Miscellaneous.

Constitution of Central Valuation Committee for promoting uniformity in valuation.

57.—(1) For the purpose of promoting uniformity in valuation there shall be constituted, in accordance with a scheme to be made by the Minister after consultation with local authorities and associations of local authorities and any organisation representing assessment committees constituted under the Union Assessment Acts, 1862 to 1880, a Central Valuation Committee consisting

of members of rating authorities, county valuation committees, and assessment committees, and of such other persons, if any, not being officers of the Department of Inland Revenue as may be provided by the scheme.

(2) The Central Valuation Committee shall take into consideration the operation of this Act and shall give to the Minister such information and make to him such representations in respect thereto as they may consider desirable for promoting uniformity and removing inequalities in the system of valuation, and shall for those purposes hold conferences or otherwise consult with such persons or bodies as they think desirable.

(3) Any rating authority, county valuation committee, or assessment committee may, subject to the provisions of the scheme, make contributions towards the expenses of the Central Valuation Committee.

(4) The Central Valuation Committee shall submit to the Minister an annual report of its proceedings.

(5) Any scheme to be made by the Minister under this section shall be laid before each House of Parliament forthwith and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such scheme is laid before it praying that the scheme may be annulled, His Majesty in Council may annul the scheme and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new scheme.

Power to make rules.

58.—(1) The Minister, after consultation with any local authority or association of local authorities with whom consultation appears to him to be desirable, may by rules prescribe anything which by this Act is to be prescribed and the form of any rate, demand note, valuation list, statement, return or other document whatsoever which is required or authorised to be used under or for the purposes of this Act.

(2) Every rule made under this section shall be laid before both Houses of Parliament forthwith, and if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such rule is laid

before it praying that the rule may be annulled it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new rule.

Service of notices, &c.

59.—(1) Any notice, demand note, order or other document required or authorised to be sent or served under or for the purposes of this Act may be sent or served either—

(*a*) by delivering it to the person to or on whom it is to be sent or served; or

(*b*) by leaving it at the usual or last known place of abode of that person, or in the case of a company at its registered office; or

(*c*) by forwarding it by post addressed to that person at his usual or last known place of abode, or in the case of a company at its registered office; or

(*d*) by delivering it to some person on the premises to which it relates or (except in the case of a document being a summons) if there is no person on the premises to whom it can be so delivered, then by fixing it on some conspicuous part of the premises; or

(*e*) without prejudice to the foregoing provisions of this subsection, where the hereditament to which the document relates is a place of business of the person to or on whom it is to be sent or served, by leaving it at, or forwarding it by post addressed to that person at, the said place of business.

(2) Any notice, demand note, order or other document by this Act required or authorised to be served on the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them), without further name or description.

(3) Any notice, demand note, order or other document of any description required or authorised for the purpose of this Act to be sent or transmitted to or served on any public or local authority (including an assessment committee) shall be deemed to be duly sent, transmitted or served if in writing and delivered at or sent by post to the office of the authority addressed to that authority

or to their clerk, and any notice, demand note, order or other document required or authorised to be sent, transmitted or served under this Act by any authority or body shall be sufficiently authenticated if signed by the clerk of the authority or body.

Inspection of documents.

60.—(1) Any ratepayer (whether a ratepayer in the rating area to which the documents relate or in some other area) may at all reasonable times, on payment, in the case of a document which is more than ten years old, of such fee as may be prescribed, and in any other case, without payment, inspect and take copies of and extracts from any rate book (whether current or closed), draft list, valuation list, notice of objection, proposal for amendment of the valuation list, notice of appeal, record of totals, valuation made by a valuer appointed by an assessment committee or minutes of the proceedings under this Act of any such committee or of a rating authority.

(2) If any person having the custody of any document to which this section applies—

(*a*) obstructs any person in making any inspection or copy thereof or extract therefrom which he is entitled to make under this section; or

(*b*) demands, when not authorised by this Act, a fee for allowing him so to do;

he shall on summary conviction be liable for each offence to a fine not exceeding five pounds.

(3) Subsection (5) of section fifty-eight of the Local Government Act, 1894 (which provides for the inspection of documents belonging to the council of a rural district), shall not apply as respects any document to which this section applies, or any other document which is required or authorised to be used under or for the purposes of this Act.

(4) For the purposes of this section the expression "ratepayer" includes an occupier who pays a rent inclusive of rates, and also includes any person authorised by a ratepayer to act on his behalf under this section.

Provisions as to inquiries.

61.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary with reference to the purposes of this Act and such inspectors shall for the purposes of any inquiry have all

such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act, 1875.

(2) Where the Minister causes any such inquiry as aforesaid to be held, the cost incurred by the Minister in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as the Minister may determine for the services of any inspector or officer of the Minister engaged in the inquiry) shall be paid by such authority as the Minister may direct, and the Minister may certify the amount of the costs so incurred and any amount so certified and directed by the Minister to be paid by any authority shall be a debt due to the Crown from that authority.

Abolition of overseers and transfer of their powers and duties.

62.—(1) After the appointed day overseers shall cease to be appointed, and His Majesty may by Order in Council to be made at any time after the passing of this Act provide, subject to the provisions of this Act, for the transfer as from the appointed day to rating authorities, or such other local authorities or persons as seems expedient, of the powers and duties of and any property vested in overseers, and any such Order may contain such supplemental and consequential provisions as appear to His Majesty to be necessary or expedient to make in connection with the abolition of the office of overseer.

(2) His Majesty may refer to a committee of the Privy Council the appointment of persons to prepare the drafts of Orders to be made under this section, and before any such Order is made the draft thereof shall be laid before both Houses of Parliament, and if either House within the next subsequent twenty days on which that House has sat next after the draft is laid before it presents an Address to His Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new Order.

(3) Any reference in any Act or document to overseers in relation to any of their powers or duties shall be construed as references to the rating authority or to the other persons to whom those powers or duties are transferred by or in pursuance of this Act.

Interest in municipal

63. Subject to the provisions of this Act relating to appeals to quarter sessions, the interest of any council in

property not to disqualify.

any property of which they or the corporation for which they act are owners or occupiers shall not disqualify the council or any member thereof for acting under this Act in relation to that property.

Savings.

64.—(1) Subject as otherwise expressly provided in this Act, nothing therein contained shall affect—

(*a*) the principles on which hereditaments are to be valued or any privilege or any provision for the making of a valuation on any exceptional principle; or

(*b*) any exemption from or privilege in respect of rating conferred by any local Act or order on the occupiers of hereditaments in any particular part of a rating area or on the occupiers of any particular hereditaments; or

(*c*) any provision in any local Act under which the owner of a hereditament is liable to pay or bear a portion of any rate in relief of the occupier without being entitled to any commission, reduction, or allowance in respect of that liability; or

(*d*) any statutory provision authorising the appointment of a person to raise a rate on default being made by a local authority in performing any duty or making any payment; or

(*e*) any exemption from rating under section thirty-three of the Highway Act, 1835:

5 & 6 Will. 4. c. 50.

Provided that, for the purpose of any provision in any local Act conferring any exemption or privilege in respect of any rates which at the commencement of that Act were or might thereafter become leviable by an authority being an authority empowered to levy a general rate under this Act, such part of the general rate levied by the authority as represents rates which immediately before the appointed day were not levied by the authority shall not be deemed to be a rate levied by that authority.

(2) For the purpose of securing the continued operation, notwithstanding the passing of this Act, of any such privilege or exemption as aforesaid—

(*a*) the rating authority of every area in which immediately before the passing of this Act any such privilege or exemption was in force

shall, before the appointed day, submit to the Minister a scheme making provision, whether by deductions to be made from the net annual value or otherwise, for the purpose aforesaid;

(*b*) if no such scheme is submitted by the rating authority before the appointed day, the Minister may himself make a scheme for the purpose aforesaid;

(*c*) the provisions of paragraphs 2, 4 and 7 of Part III. of the Second Schedule to this Act shall apply for the purpose of schemes made under this subsection as if such schemes were special schemes within the meaning of the said Part III;

(*d*) subject to the foregoing provisions, a scheme duly approved or made by the Minister shall have effect as if enacted in this Act:

Provided that the rating authority and all persons interested in the hereditament may agree that the privilege or exemption shall be surrendered and extinguished in consideration of such payments as may be agreed between them.

(3) Where any hereditament is occupied by or on behalf of the Crown for public purposes—

(*a*) no gross value shall be determined or entered in the valuation list in respect of the hereditament; and

(*b*) if any contribution is made by the Crown in aid of rates in respect of that hereditament, there shall be entered in the valuation list as representing the rateable value thereof the value upon which that contribution is computed, and the value so entered, or the amount of the contribution, as the case may be, shall be taken into account for the purpose of ascertaining totals or the proceeds of any rate, but the entry shall not affect any question as to contributions to be made by the Crown in respect of rates.

(4) The Minister may make orders for the purpose of giving to the Universities of Oxford and Cambridge, or any other body which under any Act is entitled to special representation on any assessment committee, similar rights of representation on assessment committees constituted under this Act, and, so far as necessary for

that purpose, may modify any provisions of this Act relating to the constitution of assessment committees.

(5) Nothing in this Act shall affect the basis on which payments are made to the London County Council by any local or other authority outside London in respect of London main drainage charges, and accordingly in any Act or document relating to any such payments references to annual value, rateable value, the county rate basis or standard, or any other value or basis shall be construed as references to the corresponding value as determined under this Act, or, if there is no such corresponding value, to the equivalent value, such equivalent value to be determined, in case of difference, by the Minister.

(6) Nothing in this Act shall affect the basis on which, or the manner in which, sums required for the purposes of the Metropolitan Police are raised.

Exercise of powers by and assistance to new rating and assessment authorities. 52 & 53 Vict. c. 53.

65. Notwithstanding anything in this Act, and without prejudice to the provisions of section thirty-seven of the Interpretation Act, 1889, it shall be lawful for every rating authority at any time after the commencement of this Act, and for every assessment committee at any time after the appointment of the committee, to exercise any powers or perform any duties vested in or imposed on them by this Act, other than any powers or duties to be transferred under this Act on the appointed day to the authority or committee from some other authority, and the guardians of unions, overseers and all assessment committees constituted under the Union Assessment Acts, 1862 to 1880, and the officers of all such guardians, overseers and committees, shall give to rating authorities and to assessment committees any assistance and information which they may respectively require for the purpose of enabling them to discharge their functions as aforesaid.

Power to modify local Acts.

66.—(1) The Minister may by order make such adaptations in the provisions of any local Act as may seem to him to be necessary in order to make those provisions conform with the provisions of this Act.

(2) Every order made under this section shall be laid before both Houses of Parliament forthwith, and if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days

on which that House has sat after any such order is laid before it praying that the order may be annulled it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new order.

Power to remove difficulties.

67.—(1) If any difficulty arises in connection with the application of this Act to any exceptional area, or the preparation of the first valuation list for any area, or otherwise in bringing into operation any of the provisions of this Act, the Minister may by order remove the difficulty or constitute any assessment committee, or declare any assessment committee to be duly constituted, or make any appointment, or do any other thing, which appears to him necessary or expedient for securing the due preparation of the list or for bringing the said provisions into operation, and any such order may modify the provisions of this Act so far as may appear to the Minister necessary or expedient for carrying the order into effect:

Provided that the Minister shall not exercise the powers conferred by this section after the thirty-first day of March, nineteen hundred and twenty-nine.

(2) Every order made under this section shall be laid before both Houses of Parliament forthwith, and if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such order is laid before it praying that the order may be annulled it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new order.

(3) In this section the expression "exceptional area" includes any county district which extends into two or more counties or is administered by the council of another district, and any parish which extends into two or more counties or county districts, or which is not within the same district for municipal and sanitary purposes.

Definitions.

68.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"Rating area" means the area of a rating authority:

"Urban rating area" means a rating area being a county borough or an urban district:

"Rural rating area" means a rating area being a rural district:

"Assessment committee" means the assessment committee constituted under this Act:

"Valuation list" means the valuation list made under this Act:

"Rate" means a rate the proceeds of which are applicable to local purposes of a public nature and which is leviable on the basis of an assessment in respect of the yearly value of property, and includes any sum which, though obtained in the first instance by a precept, certificate or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined, but does not include—

(*a*) any rate which is assessed under any commission of sewers, or in respect of any drainage, wall, embankment, or other work for the benefit of the land; or

(*b*) any rate of the description commonly known as a church rate, a tithe rate, or a rector's rate, or any other rate of a similar character; or

(*c*) any rate which is leviable by the conservators of a common; or

(*d*) any rate payable by consumers for a supply of water; or

(*e*) any rate of the description commonly known as a garden rate or square rate, if levied by any persons other than a rating authority:

Provided that nothing contained in the foregoing definition of the expression "rate" shall affect the construction of the expression "usual tenant's rates" in this Act, and that expression shall be construed as if this Act had not passed:

"Ratepayer" means every person who is liable to any rate in respect of property entered in any valuation list:

"Owner" means any person for the time being receiving the rack-rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive that rent if the lands or premises were let at a rack-rent:

"Gross value" means the rent at which a hereditament might reasonably be expected to let from year to year if the tenant undertook to pay all usual tenant's rates and taxes, and tithe rent-charge, if any, and if the landlord undertook to bear the cost of the repairs and insurance, and the other expenses, if any, necessary to maintain the hereditament in a state to command that rent:

Provided that, in estimating the annual rental value of a hereditament to a tenant, no account shall be taken of the value of any services which the landlord renders, or procures to be rendered, to the tenant (either alone or in common with other tenants of the landlord) other than the provision of, or repairs to, or maintenance of, the hereditament:

"Hereditament" means any lands, tenements, hereditaments or property which are or may become liable to any rate in respect of which the valuation list is by this Act made conclusive:

"Agricultural land" means agricultural land within the meaning of the Agricultural Rates Acts, 1896 and 1923:

"Woodlands" includes land used for a plantation or a wood, or for the growth of saleable underwood or for both such purposes, and not subject to any right of common:

'Financial year" means the year ending on the thirty-first day of March:

"The Minister" means the Minister of Health:

"Local authority" means any body having power to levy a rate or to issue a precept to a rating authority:

"Clerk," in relation to any authority or body, includes any officer of the authority or body authorised by them to act on their behalf either generally or in relation to any particular matter:

"The appointed day" means the first day of April, nineteen hundred and twenty-seven:

"Date of the first new valuation" means in relation to any rating area or part of a rating area the date on which the first new valuation list

made under Part II. of this Act for that area or part comes into operation:

"Local Act" includes a Provisional Order confirmed by Act of Parliament.

(2) In the case of tithe rentcharge as defined in the Tithe Act, 1891, references in this Act to an occupier shall be construed as references to an owner as so defined.

54 & 55 Vict. c. 8.

(3) References in this Act to assessment committees constituted under the Union Assessment Acts, 1862 to 1880, shall be construed as including references to assessment committees constituted under any local Act.

(4) In this and every other Act, whether passed before or after this Act, the expression "parish" shall, unless the contrary intention appears and subject to any alteration of area made on or after the appointed day by or in pursuance of any Act, mean a place for which immediately before the appointed day a separate poor rate was or could be made or a separate overseer was or could be appointed, and in this Act also includes, unless the context otherwise requires, any part of a parish being either a contributory place or an area otherwise subject to separate or differential rating.

Repeal, construction of references, &c.

69.—(1) The enactments mentioned in the Eighth Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule, and so much of any other Act, whether public or local and personal, as authorises any valuation of a hereditament to be made for the purposes of any rate in respect of which the valuation list is by this Act made conclusive, or any assessment of any such rate to be made except on the basis of that valuation list, shall also be repealed.

(2) References in any Act or document to any rate in lieu of which a general rate under this Act is levied or to any rate in lieu of which a special rate under this Act is levied shall, unless the context otherwise requires and subject as hereinafter provided, be construed as references respectively to the general rate and the special rate:

Provided that for the purposes of the Agricultural Rates Acts, 1896 and 1923, and the Tithe Rentcharge (Rates) Act, 1899, the rates in respect of which relief is

62 & 63 Vict. c. 17.

given under those Acts shall in a rural district be taken to be the general rate, and in any other district be taken to be such part of the general rate levied for the district as is estimated by the Minister to be levied in substitution for the rates in respect of which such relief was given at the date of the passing of this Act, and for the purpose of the foregoing provision a general rate shall be taken to include any amount required to be levied together with and as an additional item of the general rate:

References in any Act or document to gross value or gross estimated rental or to net annual value or rateable value as determined by valuation lists made under the Union Assessment Acts, 1862 to 1880, or as shown in, or ascertained in accordance with, the Acts relating to the basis or standard of county rates, shall, unless the context otherwise requires, be construed as references to gross value or net annual value, as the case may be, as determined under this Act:

References in any Act or document to assessable value shall—

(*a*) where the term is used in connection with special expenses rates, be construed as references to the value on which a special rate under this Act is chargeable;

(*b*) where the term is used in connection with or in relation to the Agricultural Rates Acts, 1896 and 1923, be construed as references to net annual value reduced by fifty per cent., or, in the case of reduced assessable value, by seventy-five per cent., of the net annual value of agricultural land;

(*c*) in any other case (except where the term is used in relation to income-tax), be construed as references to rateable value as determined under this Act:

References in any Act or document to the assessment committee or to the valuation list or supplemental list, under the Union Assessment Acts, 1862 to 1880, shall, unless the context otherwise requires, be construed as references to the assessment committee under this Act, and the valuation list under this Act:

Any document referring to any enactment hereby repealed shall, unless the context otherwise requires, be construed to refer to this Act or to the corresponding enactment of this Act.

(3) During the period between the appointed day and the date of the first new valuation the assessment committee for any assessment area and the rating authority for any rating area shall, in relation to valuation lists for any parishes within their area, exercise respectively all such powers and perform all such duties as might have been exercised or performed by an assessment committee constituted under the Union Assessment Acts, 1862 to 1880, or by overseers of the poor.

(4) This section shall come into operation on such date as may be fixed by the Minister, and the Minister may fix different dates for different purposes and in relation to different areas.

Extent and short title.

70.—(1) This Act shall not extend to Scotland, Northern Ireland or the administrative county of London.

(2) The Minister may by order direct that this Act shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the order, apply to the Isles of Scilly, but except as so applied this Act shall not apply to the said Isles.

The Minister may by order from time to time amend any order previously made under this subsection and may by any order made under this subsection amend or repeal any provisions contained in the order relating to the Isles of Scilly, which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 6) Act, 1890.

53 & 54 Vict. c. clxxvi.

(3) This Act may be cited as the Rating and Valuation Act, 1925.

SCHEDULES.

FIRST SCHEDULE.

Section 17.

PROVISIONS WITH RESPECT TO ASSESSMENT COMMITTEES.

1. Subject to the provisions of this Act, the quorum, proceedings and place of meeting of an assessment committee shall be such as the committee determine, and meetings of the committee may be held at different places from time to time as the committee think proper having regard to the public convenience:

Provided that—

(*a*) in the case of an assessment committee for an assessment area formed by the combination of two or more rating areas the place of meeting of the committee shall be such place or places, as is, or are, fixed in that behalf by or under the scheme constituting the assessment area; and

(*b*) the quorum shall not in any case be less than three.

2. The chairman at any meeting of the assessment committee shall, in case of an equal division of votes, have a second or casting vote.

3. The chairman at any meeting of the assessment committee may, with the consent of the committee, adjourn the meeting from time to time as may be thought fit, and may postpone the hearing or further hearing and determination of any objection.

4. On a casual vacancy occurring in an assessment committee by reason of the death, resignation, disqualification of a member, or otherwise the authority by whom that member was appointed or nominated shall appoint or nominate another person in his place, and the person so appointed or nominated shall hold office until the time when the person in whose place he is appointed or nominated would regularly have gone out of office.

5. The proceedings of an assessment committee shall not be invalidated by any vacancy among its members, or by any defect in the election, appointment or qualification of any member thereof.

6. The minutes of the proceedings of an assessment committee shall be kept in a book provided for that purpose, and a

1ST SCH. —*cont.*

minute of those proceedings signed at the same or next subsequent meeting of the committee by the person acting as chairman at the meeting at which the minute is signed, shall be received in evidence without further proof.

7. Every assessment committee shall in the month of April in every year send a report in the prescribed form of their proceedings during the last preceding year to every local authority represented on the committee, to the Minister, and to the Central Valuation Committee.

8. Until the contrary is proved, an assessment committee shall be deemed to have been duly constituted and to have had power to deal with any matters referred to in its minutes.

9. An assessment committee may sue and be sued in the name of their clerk, and an action by or against an assessment committee shall not abate by the death or removal of the clerk, but shall continue as if the clerk for the time being were the plaintiff or defendant therein.

10. The term of office of each member of an assessment committee shall be such period not exceeding five years as the body of persons by whom that member is appointed may determine, but a member of the committee may resign his office.

11. A member of an assessment committee shall not be qualified to act on the hearing or determination of or otherwise in connection with any matter relating to any hereditament in which he is interested as owner, occupier or otherwise.

12. No person who is a member of any committee to which the duties of the rating authority with respect to the preparation of the valuation list are delegated shall be qualified for appointment as a member of the assessment committee, and no authority shall appoint or nominate as its representative on an assessment committee any person who is an officer of the authority, and subsection (1) of section forty-six of the Local Government Act, 1894 (which disqualifies certain persons for membership of the council of a county district), shall apply as if for the references therein to the council of a county district there were substituted references to the assessment committee.

13. No member of the assessment committee shall receive any remuneration or other like payment in respect of his services as a member of the assessment committee.

SECOND SCHEDULE.

Sections 9, 22 and 64.

ASCERTAINMENT OF RATEABLE VALUE.

PART I.

Deductions from Gross Value.

(1) Class of Hereditaments.	(2) Amount of Deduction.
(1) Houses and buildings without land, other than gardens, where the gross value does not exceed 10*l.*	An amount equal to 40 per cent. of the gross value.
(2) Houses and buildings without land, other than gardens, where the gross value exceeds 10*l.* but does not exceed 20*l.*	4*l.* or an amount equal to $33\frac{1}{3}$ per cent. of the gross value, whichever is the greater.
(3) Houses and buildings without land, other than gardens, where the gross value exceeds 20*l.* but does not exceed 40*l.*	7*l.* or an amount equal to 25 per cent. of the gross value, whichever is the greater.
(4) Houses and buildings without land, other than gardens, where the gross value exceeds 40*l.* but does not exceed 100*l.*	10*l.* or an amount equal to 20 per cent. of the gross value, whichever is the greater.
(5) Houses and buildings without land, other than gardens, where the gross value exceeds 100*l.*	20*l.* together with an amount equal to $16\frac{2}{3}$ per cent. of the amount by which the gross value exceeds 100*l.*
(6) Land (other than agricultural land) with buildings valued together therewith as one hereditament.	An amount equal to 10 per cent. of the gross value.
(7) Land (other than agricultural land) without buildings.	An amount equal to 5 per cent. of the gross value.

2ND SCH —*cont.*

(1) Class of Hereditaments.	(2) Amount of Deduction.
(8) Agricultural land - - - - -	An amount equal to 5 per cent. of the gross value.

NOTE.—For the purposes of this Part of this Schedule the expression "houses and buildings" does not include mills, manufactories or premises of a similar character used wholly or mainly for industrial purposes or hereditaments valued as part of any railway, dock, canal, gas, water, electricity, or other public utility undertaking.

PART II.

Deductions to be made from Net Annual Value.

(1) Class of Hereditaments.	(2) Amount of Deduction.
(1) Agricultural land - -	(1) Seventy-five per cent. of the net annual value.
(2) Buildings (other than dwelling-houses) occupied together with agricultural land or being or forming part of a market garden, and in either case used solely in connection with agricultural operations thereon.	(2) Seventy-five per cent. of the net annual value.
(3) Tithes, tithe commutation rentcharge, and other payments in lieu of tithe, issuing out of any land, and any land used as a railway constructed under the powers of any Act for public conveyance or as a canal or towing-path for a	(3*a*) Subject to the provisions of Part III. of this Schedule, such percentage of the net annual value as corresponds with the average relief from rating to which, in the part of the rating area in which the land is situate,

2ND SCH. —*cont.*

(1) Class of Hereditaments.	(2) Amount of Deduction.
canal, any land covered with water, and any woodlands— (*a*) if the land is situate in a county borough or urban district in which a consolidation of rates takes effect by virtue of this Act:	occupiers of that class of hereditaments were entitled, otherwise than under any temporary Act, between the first day of April, nineteen hundred and fourteen, and the thirty-first day of March, nineteen hundred and twenty-four.
(*b*) if the land is situate in any other county borough or urban district, being a borough or district in which a consolidation of rates was authorised by a local Act passed before the commencement of this Act.	(3*b*) Such percentage of the net annual value as corresponds with the percentage of the relief from rating given by the local Act.

PART III.

Schemes for determining certain deductions in urban areas.

1. For the purpose of determining the amount of the deductions to be allowed in respect of the hereditaments belonging to class (3*a*) mentioned in Part II. of this Schedule, the rating authority of every county borough or urban district shall, before the appointed day, submit to the Minister a scheme with respect to the said deductions, and the deductions to be allowed as aforesaid shall, if the scheme is approved by the Minister, be such deductions as are specified in the scheme, or, if the scheme is not approved by the Minister, or if no scheme is submitted by the rating authority before the appointed day, be such as the Minister may direct:

Provided that—

(*a*) Where either—

(i) differential rating provisions not of a permanent character were in operation in the county borough or urban district during the period of ten years beginning on the first day of April, nineteen hundred and fourteen, or during some part of that period; or

2ND SCH —*cont.*

(ii) the county borough or urban district was created or extended at some time between the said first day of April and the appointed day,

the scheme to be submitted under this Part of this Schedule shall be a special scheme, in the making of which the basis prescribed by Part II. of this Schedule for determining the amount of the said deductions shall be applied with such modifications and adaptations as in the special circumstances of the case will secure a fair and equitable percentage of deduction;

(*b*) where the average relief from rating to which occupiers of hereditaments of the classes in question in any rating area were entitled was not the same in all parts of that area, the scheme or special scheme may nevertheless make provision, on such basis as appears equitable, for a uniform percentage of deduction throughout the area.

2. A special scheme submitted as aforesaid may be approved by the Minister, either with or without modification, and the Minister shall, before approving such a scheme, publish, in such manner as he thinks proper, notice of his intention to approve the scheme and of his proposed modifications, if any, and if any person, being a person who will in the opinion of the Minister be affected by the special scheme, gives notice in writing to the Minister that he objects to it, the Minister before approving it shall, unless the objection is withdrawn, direct a local inquiry to be held for the purpose of determining whether the scheme ought or ought not to be approved, and if the Minister after receiving the report of the inquiry is of opinion that the scheme ought to be approved, either as originally submitted to him or with any modifications, he may approve the scheme accordingly, and any scheme so approved shall, unless the objection is withdrawn, be a provisional scheme only and shall have no effect unless and until it is confirmed by Act of Parliament.

3. Where by any order a county borough or urban district is created or extended on or after the appointed day, there shall be included in the order such provi ions as may be necessary for determining the amount of the deduction which is to be made from net annual value in respect of hereditaments included in Class (3) of the hereditaments specified in the first column of Part II. of this Schedule, and any authority making or confirming such an order shall, before so doing, consider any representations which may be made to them by persons interested with respect to the provisions for determining the amount of the deduction.

2ND SCH. —*cont.*

4. The Minister may make regulations with respect to the preparation and submission of schemes under this Schedule and matters incidental thereto.

5. The council of every county borough and urban district shall, if so required by the Minister, prepare and transmit to the Minister not later than the appointed day a return as to the poundage of the several rates levied in the area of the council during the period between the first day of April, nineteen hundred and fourteen, and the thirty-first day of March, nineteen hundred and twenty-four.

6. The Minister may by order direct, in any cases where it appears to him to be expedient so to do, that the percentage of any deduction under Part II. of this Schedule shall be increased or reduced to the nearest integral amount.

7. The Minister may, on an application in that behalf made by any person affected by a scheme under this Schedule and after publishing notice of the proposed order in such manner as he thinks proper, by order vary or amend the scheme as he thinks proper:

Provided that, if any person, being a person who will in the opinion of the Minister be affected by the proposed order, gives notice in writing to the Minister that he objects to the proposed order, the Minister shall, before making the order, direct a local inquiry to be held for the purpose of determining whether the order ought or ought not to be made, and if the Minister after receiving the report of the inquiry is of opinion that the order ought to be made either as originally proposed by him or with any variations or modifications, he may make the order accordingly, but any order so made shall, unless the objection is withdrawn, be a provisional order only and shall not be of any validity unless and until it has been confirmed by Act of Parliament.

THIRD SCHEDULE.

Section 24.

CLASSES OF MACHINERY AND PLANT TO BE DEEMED TO BE PART OF THE HEREDITAMENT.

1. Machinery and plant (together with the shafting, pipes, cables, wires, and other appliances and structures accessory thereto) which is used or intended to be used, mainly or exclusively in connection with any of the following purposes, that is to say:—

(*a*) the generation, storage, primary transformation or main transmission of power in or on the hereditament; or

3RD SCH. —*cont.*

(*b*) the heating, cooling, ventilating, lighting, draining, or supplying of water to the land or buildings of which the hereditament consists, or the protecting of the hereditament from fire:

Provided that, in the case of machinery or plant which is in or on the hereditament for the purpose of manufacturing operations or trade processes, the fact that it is used in connection with those operations or processes for the purpose of heating, cooling, ventilating, lighting, supplying water, or protecting from fire shall not cause it to be treated as falling within the classes of machinery or plant specified in this Schedule.

2. Lifts and elevators mainly or usually used for passengers.

3. Railway and tramway lines and tracks.

4. Such part of any plant or any combination of plant and machinery, including gas holders, blast furnaces, coke ovens, tar distilling plant, cupolas, water towers with tanks, as is, or is in the nature of, a building or structure.

Sections 25, 26, 27.

FOURTH SCHEDULE.

PROVISIONS WITH RESPECT TO PREPARATION OF VALUATION LISTS.

PART I.

Deposit and Inspection of Draft List.

1. The rating authority shall deposit the draft list at the offices of the authority.

2. The rating authority shall, immediately upon the deposit of the draft list, give to the county valuation committee and publish notice of the deposit, and the notice shall state the latest date at which and the mode in which objections to the draft list may be made.

3. Where there is included in the draft list as deposited some hereditament not previously assessed, or where the gross or net annual or rateable value assigned in the draft list to some hereditament exceeds the value as stated in the valuation list for the time being in force, or, where there is no such valuation list, as stated in the then last assessment to the poor rate, the rating authority shall within seven days after the deposit of the draft list send to the occupier of the hereditament affected a notice of the gross, net annual and rateable values thereof inserted in the draft list.

4. The draft list so deposited shall be open to inspection for twenty-one days from the date on which notice of the deposit of the list is published. 4TH SCH. —*cont.*

5. Immediately on the expiration of the said period of twenty-one days the rating authority shall cause the draft list to be transmitted to the assessment committee.

PART II.

Notices of Objection.

1. A notice of objection must specify the grounds of objection.

2. The assessment committee shall, within three days after the date on which an objection is lodged with them, cause a copy thereof to be sent to each of the following persons, not being the objector, that is to say—

(*a*) to the rating authority; and

(*b*) where the objection relates to a particular hereditament, to the occupier of that hereditament.

PART III.

Meetings for hearing Objections.

1. Meetings for hearing objections to the draft list may be held at any time after the expiration of thirty days from the date on which the list was deposited, or on any earlier date, if in the opinion of the assessment committee such number of objections have been received by that date as to make it desirable to hold a meeting, and the rating authority signify to the committee that they are ready to attend a meeting on that earlier date.

2. The assessment committee shall, at least fourteen days before holding a meeting for hearing objections, not being an adjourned meeting, cause notice of the meeting to be given to the rating authority of any area in which are situate any hereditaments to which the objections to be considered at the meeting relate, and shall at least fourteen days before the date on which any objection will be heard by the committee cause notice of the date to be given to the objector and to the occupier of the hereditament to which the objection relates, where such occupier is not the objector.

3. On the consideration of an objection any valuer employed by the assessment committee to value the hereditament to which the objection relates may be called as a witness.

4TH SCH. —*cont.*

4. No person, being either a party to the objection, or a witness in the case, or a valuer employed by the assessment committee, shall be present while the assessment committee are considering their decision on an objection.

5. The assessment committee shall forthwith after determining an objection send notice of their decision to the objector and to the occupier of the hereditament affected, where such occupier is not the objector, and to the rating authority.

6. Every such notice as aforesaid of the decision of the assessment committee on an objection shall state that any person who is a party to the objection may, if aggrieved by the decision, appeal against it, and shall specify the time within which and the manner in which such an appeal may be made.

7. Where the assessment committee, in pursuance of the provisions of Part II. of this Act, alter the draft list on revision, otherwise than in determining an objection, by inserting therein some hereditament or by raising the gross or net annual or rateable value of some hereditament included therein, the assessment committee shall forthwith serve notice of the alteration on the occupier of the hereditament affected.

8. Every notice of an alteration made in the draft list by the assessment committee otherwise than in determining an objection, being a notice served on a person under the foregoing provisions of this Part of this Schedule, shall state that any person aggrieved by the alteration may lodge an objection to the alteration at any time within fourteen days after the date on which the notice is served on him, and that any such objection if lodged will be heard by the assessment committee on a date which will be duly notified to the person making the objection.

9. Except as otherwise expressly provided in this Act, the provisions of this Act relating to objections to the draft list as deposited shall apply with reference to objections to any alterations, insertions or corrections made by the assessment committee on the revision of the draft list otherwise than in determining an objection.

10. The assessment committee shall not be required to hear and determine all objections to the draft list before finally approving it, and if any objection is not heard and determined before the draft list is finally approved, it shall be heard and determined as soon as possible thereafter, and with the like consequences as if it had been a proposal duly made for the amendment of the current valuation list which had been served on the rating authority on the date on which that list comes into force.

FIFTH SCHEDULE.

Section 31.

APPEALS TO QUARTER SESSIONS.

PART I.

Notices of Appeal.

1. Notice of appeal must be given to the clerk of the court to which the appeal is made before the expiration of twenty-one days after the date on which the valuation list is finally approved.

2. A copy of the notice of appeal must also be served by the appellant within the time allowed for giving notice of the appeal on the assessment committee and on each of the following persons not being the appellant, that is to say:—

(*a*) the rating authority;

(*b*) where the appeal relates to a particular hereditament, the occupier of that hereditament.

3. The notice of appeal must specify the grounds of appeal.

4. The clerk of the court on receiving a notice of appeal shall, without any application in that behalf, enter the appeal for hearing at the next sitting of the court to be held after the expiration of thirty-five days from the date on which the list was finally approved, but the court may, on an application made by any party to the appeal, direct that the hearing shall be postponed and entered for some subsequent sitting of the court.

PART II.

Provisions with respect to Arbitrations.

1. Where any matter is referred to arbitration under the provisions of this Act relating to appeals to quarter sessions the arbitrator to act shall be such person as may be agreed on by the parties or, in default of agreement, appointed by the President of the Surveyors Institution.

5TH SCH. —*cont.*

2. The parties to an arbitration may before entering on the reference agree in writing that the award of the arbitrator shall be final and conclusive on all questions whether of fact or law, and where any such agreement is made, the provisions of the Arbitration Act, 1889, as to the power of an arbitrator to state in the form of a special case an award or any question of law arising in the course of a reference shall not apply.

3. The costs of and incidental to the hearing before the arbitrator, and his award, shall be in the discretion of the arbitrator, and if not agreed by the parties, shall be taxed as part of the costs of the appeal to quarter sessions.

Section 49.

SIXTH SCHEDULE.

PROVISIONS AS TO THE DETERMINATION AND PAYMENT OF COMPENSATION TO OFFICERS.

1. The provisions of section one hundred and twenty of the Local Government Act, 1888, shall apply to the determination and payment of compensation under this Act to officers subject to the following and any other necessary modifications :—

(*a*) Any reference in that section to the county council shall be construed as a reference to the compensating authority and the Minister shall therein be substituted for the Treasury ;

(*b*) For the reference to the county fund there shall be substituted a reference to the fund out of which the general expenses of the compensating authority are payable, and if any compensation is payable otherwise than by way of an annual sum, the payment of that compensation shall be a purpose for which a compensating authority may borrow subject always to the consent of the Minister and upon such terms as he may authorise ;

(*c*) References in that section to " the passing of this Act " shall be construed as references to the date on which the relinquishment or abolition of office takes effect, or the direct pecuniary loss commences, as the case may be ;

(*d*) The expression in subsection (1) of that section " the Acts and rules relating to Her Majesty's Civil

Service" shall mean the Acts and rules relating to Her Majesty's Civil Service which were in operation at the date of the passing of the Local Government Act, 1888; 6TH SCH. —*cont.*

(*e*) In subsection (7) of that section for the words "under the same or any other county council" there shall be substituted the words "under any local authority."

2. In computing the time of service in any capacity of any officer for the purpose of the award of compensation, the compensating authority shall take into account all the service of that officer in any capacity under any local authority, whether such officer was appointed annually or otherwise:

Provided that, if in pursuance of the power conferred by this Act an office is abolished by an assessment committee or by a rating authority, otherwise than at the expiration of a complete year of service of an officer, the portion then expired of that year shall be treated as a complete year where such portion exceeds six months, and shall be ignored where such portion does not exceed six months.

3. The compensation payable under this Act to an officer who immediately before the appointed day, held two or more offices under any local authority or local authorities and who devoted the whole of his time to the duties of such offices, shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

4. If any officer was temporarily absent from his employment during the war whilst serving in His Majesty's forces, or the forces of the Allied or Associated Powers, either compulsorily or with the sanction or permission of the local authority, such period of temporary absence shall be reckoned as service under the local authority in whose employment he was immediately before and after such temporary absence, and the amount of his salary, wages and emoluments during such temporary absence shall be deemed to be the amount which he would have received from the local authority during that period if he had remained in their actual service:

Provided that in the case of an officer who, after the armistice, voluntarily extended his term of service in the forces, no period of absence during such extension shall be reckoned.

5. The compensating authority may, in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person, or of the fact that he had prior to his appointment served as a deputy, assistant or clerk to any officer, not holding a temporary appointment,

6TH SCH. —*cont.*

add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Act.

6. All fees or remuneration received by an officer in connection with the preparation of the electors' lists under the Representation of the People Acts, 1918 to 1922, shall, subject to a reasonable deduction for any expenses incurred by the officer, be regarded as part of the emoluments of the officer for the purpose of compensation.

7. The compensation shall not exceed two-thirds of the annual pecuniary loss suffered by virtue of this Act, or of anything done in pursuance or in consequence of this Act, or if the compensation is payable otherwise than by way of an annual sum, two-thirds of the capital value of such annual pecuniary loss.

8. No officer shall be entitled to receive both compensation under this Act for pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

9. In this Schedule, the expression—

"Compensating authority" means the assessment committee or rating authority to whom an application for compensation is made;

"Local authority" means any assessment committee or any rating authority, or any local authority as defined in section three of the Local Government and other Officers' Superannuation Act, 1922.

Section 52.

SEVENTH SCHEDULE.

TRANSITIONAL PROVISIONS.

Transfer of Property and Liabilities.

Property, liabilities, &c., of existing assessment committees.

1.—(1) Subject to the provisions of this Act, any property and liabilities held or incurred by a board of guardians on behalf of any assessment committee appointed by them shall on the appointed day by virtue of this paragraph be transferred to, vest in and attach to the assessment committee for the assessment

7TH SCH. —*cont.*

area comprising the poor law union for which the guardians act, or, if the assessment area does not comprise the whole of the poor law union, to the assessment committees appointed for the assessment areas into which the poor law union extends.

(2) Where by this paragraph any property or liabilities are transferred to more than one assessment committee, section sixty-eight of the Local Government Act, 1894 (which relates to the adjustment of property and liabilities), shall apply.

(3) Nothing in this paragraph shall transfer to an assessment committee any liability in respect of moneys borrowed by a board of guardians for the purpose of defraying the cost of a valuation of rateable hereditaments.

Custody of books and documents.

2.—(1) All valuation lists, rate books or other books of account, or documents relating to the making, levying or collection of rates, which at the appointed day are in the custody of the vestry clerk or of the overseers of a parish or any other authority whose rating powers and duties are by this Act transferred to rating authorities shall be under the control of the rating authority of the rating area comprising that parish, and subject to the right of the overseers or any parochial officer to the custody of such books or documents for the purpose of the making up and audit of accounts, shall be deposited in such custody as the rating authority may direct.

(2) All books and documents which at the appointed day are in the custody of the vestry clerk or overseers of a parish shall, if they contain entries wholly or partly relating to the affairs of the church or to ecclesiastical charities, and are not books or documents directed by law to be kept with the public books, writings, and papers of the parish, be deposited in such custody as the parochial church council may direct, and, subject as aforesaid and to the provisions of this Schedule relating to books or documents relating to the making, collection, or levying of rates, all public books, writings, and papers of the parish (including all documents directed by law to be kept with such books, writings, and papers), which at the appointed day are in the custody of the vestry clerk or overseers shall be deposited in such custody as may be directed, in the case of a rural parish, by the parish council, or, if the parish is not under a parish council, by the parish meeting, and in the case of any other parish by the rating authority.

(3) The assessment committee shall be entitled to the possession and control of any valuation lists, notices of objection, minute books and other books or documents wholly relating to business of the assessment committee appointed by the board of guardians, which at the appointed day are in the possession or under the control of the assessment committee of the guardians :

7TH SCH. —*cont.*

Provided that, where a poor law union is not wholly comprised within one assessment area, any such book or document, which does not wholly relate to a parish or parishes within one assessment area, shall be transferred by the assessment committee of the guardians to the assessment committee for that assessment area which contains according to the returns of the census of nineteen hundred and twenty-one the largest proportion of the total population of that poor law union, but the assessment committee for an assessment area which comprises any part of such poor law union shall have a right of inspecting any book or document transferred to the assessment committee for any assessment area comprising any part of that union, and of making copies of, or extracts therefrom, free of charge.

(4) Nothing in this paragraph shall affect the right of any ratepayer or other person to inspect or to make copies of, or extracts from, any book or document transferred or deposited thereunder.

Transfer of property.

3. Where any property is transferred by or in pursuance of this Act from one authority to another authority—

(1) Such property shall be held by the authority to whom it is transferred, subject to all debts and liabilities affecting the same; and

(2) The latter authority shall hold the same for the estate, interest, and purposes, and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if this Act had not passed, so far as the same are not modified by or in pursuance of this Act.

Transfer and application of balances.

4.—(1) Any balance at the appointed day in the hands of overseers shall forthwith be paid to the rating authority of the area, and any balance at the appointed day due to overseers shall be paid to those overseers by the rating authority of the rating area.

(2) The foregoing provisions of this paragraph shall extend to any balance which is at the appointed day in the hands of or due to any assistant overseer or other parish officer, as if such balance were in the hands of or due to overseers.

(3) Any balance at the appointed day standing in the accounts of—

(*a*) a board of guardians to the credit or debit of a parish within the poor law union; or

(*b*) a rural district council in respect of general expenses to the credit or debit of any parish within the rural district;

shall in those accounts be carried to the credit or debit of the common fund of the union or of the general rate fund of the district, as the case may be, in which the parish is comprised. 7TH SCH. —*cont.*

(4) Nothing in this Act shall affect the application of any balance to the credit or debit of any parish in respect of special expenses.

Adjustment of parochial balances, liabilities, &c

5.—(1) Before the expiration of a period of three years from the appointed day, or of such further period as the Minister may by order direct, such adjustments shall be made by rating authorities in making the rates leviable under this Act, and by guardians in issuing precepts to rating authorities, as are necessary for securing that, as far as practicable, each rating area and each parish therein shall have the advantage of any credit balance or recoverable sum of which account has under this paragraph to be taken, and shall make good any debit balance or undischarged liability of which account has under this paragraph to be taken.

(2) For the purpose of any such adjustment, the rate in the pound of the rate otherwise leviable by the rating authority in any parish within the rating area, or the precept otherwise issuable by guardians in respect of any rating area, shall be increased or decreased by the rating authority or guardians, as the case may require.

(3) The sums of which account shall be taken in adjustments under this paragraph shall be certified to the rating authority and to the guardians by the district auditor for the audit district comprising the rating area, and the certificate of the district auditor shall be given as soon as practicable after the appointed day and shall, subject as hereinafter provided, be final and conclusive:

Provided that any such auditor may, if he thinks fit, give an interim or provisional certificate, and may amend any final certificate given by him so far as appears to him necessary for the purpose of correcting any errors.

(4) For the purpose of this paragraph, account shall be taken by the district auditor of the respective rights of all the authorities concerned, and in particular of—

(*a*) the balances transferred to or payable under this Act by the rating authority in respect of parishes within the rating area;

(*b*) the parochial balances in the accounts of the guardians or rural district council which in pursuance of this Act have been carried to the credit or debit of the common fund of the union or of the general rate fund of the district;

7TH SCH. —*cont.*

(*c*) any recoverable arrears of rates or other income due to the overseers of a parish, and any sum certified by the district auditor to be due from any person at the audit of the accounts of the overseers of a parish;

(*d*) any undischarged liability of the overseers of a parish, accruing before the appointed day and by this Act transferred to the rating authority; and

(*e*) any unsatisfied precepts.

(5) It shall be the duty of every authority from whom powers, duties, and liabilities are transferred by this Act to liquidate, so far as practicable, before the appointed day all debts and liabilities of the authority incurred in the execution of the transferred powers and duties and accruing on or before that day, and in default of a compliance with this requirement any sum paid by an assessment committee or rating authority, in respect of any such debt or liability as aforesaid shall be charged to the area to which that payment would have been chargeable if this Act had not passed, subject, however, to an adjustment under paragraph (1) of this schedule where the area of the authority in default extends into more than one assessment area.

Arrears of rates, precepts, accounts, and proceedings.

6.—(1) All sums due on the appointed day in respect of rates made before the appointed day shall be collected and recovered by the rating authority of the rating area, and all precepts for contributions issued before the appointed day and not discharged before that day shall be payable by the rating authority.

(2) The accounts of all receipts and expenditure before the appointed day shall be audited, and disallowances, surcharges, and penalties recovered and enforced, and other consequential proceedings had, in like manner as nearly as may be as if this Act had not passed, but as soon as practicable after the appointed day, and every authority, committee, or officer whose duty it is to make up any accounts, or to account for any portion of the receipts or expenditure in any account shall, until the audit is completed, be deemed for the purpose of such audit to continue in office, and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as before the appointed day:

Provided that any sum certified to be due from any person by the district auditor at the audit of the accounts of the overseers of a parish shall be paid by that person to the rating authority.

Saving for existing securities.

7.—(1) Nothing in or done under this Act shall prejudicially affect any mortgage or other security which operates as a charge on any rate or rate fund abolished by this Act, or the powers of any person entitled under any such mortgage or security to enforce the same as if this Act had not passed.

(2) Any such mortgage or other security shall have effect as if the general rate or special rate, and the general rate fund or

7TH SCH. —*cont.*

special rate fund, under this Act were substituted for the rate and rate fund referred to in the security, and where, for the purpose of enforcing the security, it is necessary to continue the exercise of a power which would have existed but for this Act, the power may continue to be exercised as if this Act had not passed.

Saving for pending contracts, legal proceedings, &c.

8.—(1) All proceedings, legal and other, begun before the appointed day, may be carried on in like manner, as nearly as may be, as if this Act had not passed, and any such legal proceeding may be amended in such manner as may appear necessary or proper in order to bring it into conformity with the provisions of this Act, and of any order or scheme made thereunder.

(2) Any cause of action by or against any authority which exists at the date of the transfer in relation to any powers, duties, liabilities, debts or property transferred by this Act to an assessment committee or to a rating authority shall not be prejudicially affected by the passing of this Act, but may be prosecuted and enforced by or against the assessment committee or the rating authority, as the case may be, as successors of the authority from which the transfer aforesaid was made.

(3) All contracts, deeds, bonds, agreements, and other instruments affecting any powers, duties, liabilities, debts, or property or any officers transferred by this Act and subsisting at the time of the transfer, shall be of as full force and effect against or in favour of the assessment committee or the rating authority, as the case may be, to whom the transfer was made, and may be enforced as fully and effectually as if, instead of the authority named in the instrument, the authority to whom the transfer is made had been a party thereto.

Provisions as to Poor Rates and County Contributions.

Poor rate to be made for rating area instead of for parishes.

9. Where the rating authority of an urban rating area, comprising two or more parishes, at any time between the appointed day and the date on which the power to make a general rate for the area comes into operation make and levy a poor rate, they shall make a poor rate for the area instead of making separate poor rates for the parishes comprised in it :

Provided that, where by virtue of any precept or otherwise any amount is chargeable separately on any parish or part of the area, the rating authority shall levy that amount on that parish or part together with and as an additional item of the poor rate.

Saving for enactments relating to county basis.

10. All enactments in force immediately before the appointed day with respect to the preparation, confirmation, revision, and effect of the basis or standard for a county rate shall continue

7TH SCH. —*cont.*

in force during the period beginning on the appointed day and ending on the thirty-first day of March, nineteen hundred and twenty-nine, and subject as hereinafter provided a county council shall in respect of that period apportion any contributions required by them and issue precepts on the same basis and in like manner as if this Act had not been passed :

Provided that—

(*a*) precepts required to be sent to boards of guardians shall, in lieu of being so sent, be sent to rating authorities; and

(*b*) contributions for general county expenses, and for special county expenses, so far as such last-mentioned expenses are chargeable on all the parishes in a rating area (whether in common with other parishes in the county or not) in proportion to the yearly value of property in the parishes, shall be apportioned to and charged on the rating area as a whole instead of being charged separately on each parish therein, and shall be paid out of the general rate levied for the rating area, or, if the contributions are required in respect of a period before the date when the power to make a general rate for the area comes into operation, out of the poor rate levied for the area.

Section 69.

EIGHTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
43 Eliz. c. 2 -	The Poor Relief Act, 1601.	Section one so far as it relates to the appointment of overseers; in section eight the words "the noyacion of overseers"; section nine.
14 Car. 2. c. 12	The Poor Relief Act, 1662.	Section twenty-one so far as it relates to the appointment of overseers.
17 Geo. 2. c. 3	The Poor Rate Act, 1743.	The whole Act.

5TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
17 Geo. 2. c.38	The Poor Relief Act, 1743.	Section three.
54 Geo. 3. c.91	The Poor Law (Overseers) Act, 1814.	The whole Act.
54 Geo.3.c.170	The Poor Relief Act, 1814.	Section eleven.
59 Geo. 3. c.12	The Poor Relief Act, 1819.	Sections six and seven.
3 & 4 Will. 4. c. 90.	The Lighting and Watching Act, 1833.	In section thirty-three the words from "Provided "always" to the words "pay "for the purposes of this "Act"; and section thirty-four.
5 & 6 Will. 4. c. 50.	The Highway Act, 1835.	In section twenty-seven the words from "and provided "also" to the end of the section; sections twenty-eight, twenty-nine, thirty-one, thirty-two, thirty-four, thirty-six to forty.
6 & 7 Will. 4. c. 96.	The Parochial Assessments Act, 1836.	The whole Act.
3 & 4 Vict. c. 88.	The County Police Act, 1840.	Section four.
7 & 8 Vict. c. 101.	The Poor Law Amendment Act, 1844.	Sections twenty-two and sixty-two.
10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act, 1847.	Sections one hundred and seventy-six and one hundred and seventy-seven.
11 & 12 Vict. c. 91.	The Poor Law Audit Act, 1848.	Sections one, two, and eleven.

8TH SCH —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Vict. c. 110.	The Poor Law Amendment Act, 1848.	Section seven.
12 & 13 Vict. c. 8.	The Poor Law (Overseers) Act, 1849.	The whole Act.
12 & 13 Vict. c. 103.	The Poor Law Amendment Act, 1849.	Section six.
13 & 14 Vict. c. 57.	The Vestries Act, 1850.	Sections six to nine.
13 & 14 Vict. c. 101.	The Poor Law Amendment Act, 1850.	Section seven.
15 & 16 Vict. c. 81.	The County Rates Act, 1852.	Sections four to twenty; in section twenty-six the words from "a printed list" to "within the county and"; sections twenty-seven to twenty-nine; in section thirty-two the word "allowed"; sections forty to forty-three.
20 Vict. c. 19	The Extra-Parochial Places Act, 1857.	In section one the words from "and the justices" to the end of the section.
24 & 25 Vict. c. 55.	The Poor Removal Act, 1861.	Section ten.
25 & 26 Vict. c. 103.	The Union Assessment Committee Act, 1862.	The whole Act.
27 & 28 Vict. c. 39.	The Union Assessment Committee Amendment Act, 1864.	The whole Act except sections six and thirteen.
28 & 29 Vict. c. 79.	The Union Chargeability Act, 1865.	Section twelve.

8TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
29 & 30 Vict. c. 78.	The County Rate Act, 1866.	The whole Act
29 & 30 Vict. c. 113.	The Poor Law Amendment Act, 1866.	Sections ten to twelve.
30 & 31 Vict c. 102.	The Representation of the People Act, 1867.	Section seven.
31 & 32 Vict. c. 122.	The Poor Law Amendment Act, 1868.	Sections twenty-eight to thirty-two, and sections thirty-eight, thirty-nine and forty.
32 & 33 Vict. c. 41.	The Poor Rate Assessment and Collection Act, 1869.	Sections three to six, nine, eleven, thirteen, fourteen, sixteen and seventeen; in section eighteen the words " with " the allowance of the rate " by the justices," and section twenty.
37 & 38 Vict c. 54.	The Rating Act, 1874	Section twelve; and in section fifteen the definitions of " valuation list " and " assessment committee ".
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	In section two hundred and ten, the words from " any " such rate " to the end of the section; section two hundred and eleven, except sub-paragraph (c) of paragraph (1) and paragraph (4) thereof; section two hundred and twelve; in section two hundred and eighteen the words " general district rate " or "; sections two hundred and nineteen to two hundred and twenty-three and section two hundred and twenty-five except so far as those sections relate to private improvement rates; sections two hundred and thirty and two hundred and thirty-one, and section two hundred and forty-eight.

8TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	In section six the words "for "which an overseer shall be "appointed and," and the word "other."
43 & 44 Vict. c. 7.	The Union Assessment Act, 1880.	The whole Act.
45 & 46 Vict. c 20.	The Poor Rate Assessment and Collection Act, 1869, Amendment Act, 1882.	The whole Act.
45 & 46 Vict. c 27.	The Highway Rate Assessment and Expenditure Act, 1882.	The whole Act, except sections one, two and six.
45 & 46 Vict. c. 50	The Municipal Corporations Act, 1882.	Section one hundred and forty-four, except subsections (1) and (2); section one hundred and forty-five; subsection (1) of section one hundred and forty-six from "on receipt of" to the words "in the borough" where those words secondly occur; subsections (3), (4), (5), and (6) of section one hundred and forty-six; sections one hundred and forty-seven and one hundred and forty-eight; subsection (5) of section one hundred and ninety-seven; in subsection (2) of section one hundred and ninety-eight the words "allowed by two "justices usually acting in "and for the borough and "has been," section one hundred and ninety-nine, section two hundred and thirty-eight.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Subsection (2) of section thirty-three.
52 & 53 Vict. c. 63.	The Interpretation Act, 1889.	Section five.

5TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 17.	The Public Health (Rating of Orchards) Act, 1890.	The whole Act.
54 & 55 Vict. c. 33.	The Allotments Rating Exemption Act, 1891.	The whole Act.
55 & 56 Vict. c. 53	The Public Libraries Act, 1892.	In subsection (1) of section eighteen the words from "and "(c) where" to the end of the subsection.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	Subsection (1) and paragraph (a) of subsection (2) of section five; in subsection (1) (c) of section six paragraph (i); in paragraph (5) of section nineteen the words from "The "power and" to the words "the parish meeting and"; in subsection (1) of section thirty-three the words from "all or any of" to the words "liabilities of overseers and"; sections thirty-four and fifty; subsection (3) of section eighty-one; in rule 7 of Part I of the First Schedule the words "the appointment "of an overseer" and the words "an assistant overseer "or"; in rule (3) of Part II of the First Schedule the words "and to appoint the "overseers."
59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	In section five the words "and "in the basis or standard for "any county rate and in any "valuation made by the "council of a borough or any "other council for the purpose of raising the borough "or other rate"; in section nine the definition of "rateable value."

8TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	Subsection (1) of section sixteen.
13 & 14 Geo. 5. c. 39.	The Agricultural Rates Act, 1923.	In subsection (2) of section six the words from "and section nine" to the end of the subsection, and the substituted definition of rateable value in Part II of the Schedule.

CHAPTER 91.

An Act to amend Part I. of the Mines (Working Facilities and Support) Act, 1923, with respect to the payment of money into Court.

[22nd December 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of Part I. of 13 & 14 Geo. 5. c. 20 as to the payment of money into Court.

1.—(1) Where under Part I. of the Mines (Working Facilities and Support) Act, 1923 (hereinafter referred to as the principal Act), the Railway and Canal Commission have determined that a right should be granted subject to the payment of compensation or consideration, the Commission may in any case where they think fit—

(*a*) where the amount of the compensation or consideration has been determined by them, order the payment into Court of the whole or any part thereof;

(*b*) pending the determination of the amount of the compensation or consideration, order the payment into Court of such sum on account thereof as the Commission think fit.

(2) Money required to be paid into Court under the principal Act or this Act shall, subject to rules made under Part VI. of the Supreme Court of Judicature (Consolidation) Act, 1925, be paid into the Supreme Court, and shall be subject to the Acts, rules and orders relating to funds in the Supreme Court, except that it may, subject to rules made under the said Part VI., be paid out on the order of the Railway and Canal Commission: 15 & 16 Geo. 5. c. 49.

Provided that the Commission shall not make an order for payment out of money in any case where it appears to them that the question of title involved is one which would more properly be dealt with by the Supreme Court.

(3) In the application of this Act to Scotland the Court of Session shall be substituted for the Supreme Court, Act of Sederunt shall be substituted for rules made under Part VI. of the Supreme Court of Judicature (Consolidation) Act, 1925, and references to payment into court shall be construed as references to consignation.

2. This Act may be cited as the Mines (Working Facilities and Support) Act, 1925, and the principal Act and this Act may be cited together as the Mines (Working Facilities and Support) Acts, 1923 and 1925. Short title.

TABLE II.

Showing the Effect of the Legislation of 1925.*

FORMER ACTS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF 15 & 16 GEO. 5.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
20 Hen. 3 (*Stat. Merton*) c. 2	Widows' bequest of corn on their lands.	Dower abolished as to deaths after 1925.	23, ss. 45 (1) (c), 58 (2) (3).
13 Edw. 1 (*Stat. Westm. sec.*):			
c. 19 -	The ordinary chargeable to pay the debts of an intestate.	Repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 23 -	Writ of accompt for executors.	Repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 34 -	Dower forfeited by elopement with adulterer.	From "and if a wife willingly" to "restored to her action" repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
25 Edw. 1:			
c. 7 -	Widow; her marriage estate; quarantine; estovers; dower; re-marriage.	Repealed as to deaths after 1925.	23 ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 18 -	The King's tenant, his debtor.	From "and the residue" to "reasonable parts" repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
Statute (*temp. incert.*).	Statute concerning tenants by the curtesy of England.	Repealed as to deaths after 1925.	23, ss. 45 (1) (*b*), 54, 56, 58 (2) (3), Sch. 2 pt. I.

* Enactments made permanent by the Expiring Laws Act, 1925 (15 & 16 Geo. 5. c. 76) are included in this table. Enactments annually continued are not included.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
Statute Prerogativa Regis (*temp incert.*) c. 18.	Customs of Gloucester and Kent.	Repealed from "Nevertheless it is used" as to deaths after 1925.	23, ss. 45 (1) (*a*), 54, 56, 58 (2), Sch. 2, pt. I.
4 Edw. 3. c. 7.	Executors' action of trespass for wrong done to their testator.	Repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
25 Edw. 3. st. 5. c. 5.	Executors of executors.	Repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
31 Edw. 3. st. 1. c. 11.	Administration upon intestacy.	Repealed as to deaths after 1925. Repealed (Jan. 1, 1926) -	23, ss. 56, 58 (2) (3), Sch. 2, pt. I. 49, ss. 226, 227 (2), Sch. 6.
36 Edw. 3. c. 12.	Quarter sessions -	Repealed (June 1, 1926) -	86, s. 49 (4) (5), Sch. 3.
2 Hen. 5. c. 4.	Sessions - -	From "that is to say in the first week" repealed (June 1, 1926).	86, s. 49 (4) (5), Sch. 3.
14 Hen. 6. c. 1.	Justices of nisi prius may give judgment &c. in treason and felony.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
3 Hen. 7. c. 3.	An Act that Justices of Peace may take Bail.	The words from "and over" to "100*s.*" repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
21 Hen. 8: c. 4 -	Executors - -	Repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 5 -	Probate fees, inventories, &c.	Repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
23 Hen. 8. c. 9.	An Act that no person shall be cited out of the Diocese except in certain cases.	Ss. 3, 5 repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
27 Hen. 8: c. 10.	Statute of Uses -	Repealed (Jan. 1, 1926) -	5, ss. 1, 12 (3) (4), Sch. 1; and 20, ss. 1 (10), 207, 209 (2) (3), Sch. 7.
c. 16 -	Enrolment of bargains of lands, &c.	Repealed (Jan. 1, 1926) -	5, ss. 10, 12 (3) (4), Sch. 10.
c. 24 -	Jurisdiction in liberties.	S. 2 repealed as to justices of assize and gaol delivery (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
31 Hen. 8. c. 1.	Joint tenants and tenants in common.	Repealed (Jan. 1, 1926) -	5, ss. 10, 12 (3) (4), Sch. 10.
32 Hen. 8:			
c. 28. -	Leases - - -	Repealed (Jan. 1, 1926) -	5, ss. 10, 12 (3) (4), Sch. 10.
c. 32 -	Joint tenants for life or years.	Repealed (Jan. 1, 1926) -	5, ss. 10, 12 (3) (4), Sch. 10
c. 34 -	Grantees of reversions.	Repealed (Jan. 1, 1926) -	20, ss. 207, 209 (2) (3), Sch. 7.
c. 37 -	Recovery of arrears by executors and administrators.	Ss. 1–3 repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
33 Hen. 8. c. 24.	An Act that no man shall be Justice of Assize in his own country.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
34 & 35 Hen. 8. c. 20 -	Recoveries where reversion in Crown.	Prospectively repealed (by c. 5. ss. 10, 12 (3) (4), Sch. 10) but continued permanently.	76, s. 1 (2), Sch. 1, pt. II.
1 Edw. 6:			
c. 7. -	Continuance of actions on demise of Crown.	Act except as to justices of the peace repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 12 -	Repeal of statutes as to treasons, felonies, &c.	S. 16 repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
5 & 6 Edw. 6:			
c. 11 -	Punishment of treasons.	S. 11 repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 12 -	Marriage of priests and legitimation of their children.	S. 2 repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
5 Eliz. c. 26.	Enrolment of bargains and sales.	Repealed (Jan. 1, 1926) -	5, ss. 10, 12 (3) (4), Sch. 10.
8 Eliz. c. 2.	Defendant's recovery of costs.	Repealed (Oct. 1, 1925) -	28, ss. 27, 29 (3) (5), Sch. 4.
13 Eliz.:			
c. 4 -	Lands of Crown accountants liable for their debts.	Repealed (Jan. 1, 1926) -	5, ss. 10, 12 (3) (4), Sch. 10.
c. 5 -	Fraudulent conveyances.	Repealed (Jan. 1, 1926) -	20, ss. 207, 209 (2) (3), Sch. 7.
18 Eliz. c. 6.	Colleges of Universities, Winchester and Eton.	Repealed (Jan. 1, 1926) -	24, ss. 42, 45 (2), Sch. 2.
27 Eliz:			
c. 3 -	Lands of Crown accountants.	Repealed (Jan. 1, 1926) -	5, ss. 10, 12 (3) (4), Sch. 10.
c. 4 -	Fraudulent conveyances.	Repealed (Jan. 1, 1926) -	20, ss. 207, 209 (2) (3), Sch. 7.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
43 Eliz. :			
c. 2. -	Poor Relief Act, 1601.	Ss. 1 as to appointing overseers, 8 "the nomination of overseers," 9 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 8. -	Fraudulent administration of intestates' goods.	Repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
12 Chas. 2. c. 24.	Abolition of feudal tenures.	S. 7 from "tenures in franke almoigne" to "nor to take away" repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
14 Chas. 2. c. 12.	Poor Relief Act, 1662.	S. 22 as to appointing overseers repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
22 & 23 Chas. 2. c. 10.	Statute of Distribution.	Repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
29 Chas. 2. c. 3.	Statute of Frauds -	Ss. 1–3, 4 in part, 7–9, 24 repealed (Jan. 1, 1926). Ss. 10–1, 23–4, so far as unrepealed repealed as to deaths after 1925.	20, ss. 207, 209 (2) (3), Sch. 7. 23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
30 Chas. 2. c. 7.	Liability of executors and administrators of executors in their own wrong.	Repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2. pt. I.
1 Jas. 2. c. 17.	Revival and continuance of certain Acts.	Ss. 5, 7 repealed (Jan. 1, 1926). Act repealed as to deaths after 1925.	5, ss. 1, 12 (3), Sch. 1. 23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
4 Will. & Mary :			
c. 4 -	Special bail - -	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 16 -	Clandestine mortgages.	Repealed (Jan. 1, 1926) -	20, ss. 207, 209 (2) (3), Sch. 7.
c. 18 -	An Act to prevent malicious informations in the Court of King's Bench.	Act so far as unrepealed repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
c. 24 -	Revival, continuance, &c., of certain Acts.	S. 12 repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
8 & 9 Will. 3. c. 11.	An Act for the better preventing of frivolous and vexatious suits.	Act so far as unrepealed repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
10 Will. 3. c. 22.	Posthumous children to take estates as if born in fathers' life-time.	Repealed (Jan. 1, 1926) -	5, ss. 10, 12 (3) (4), Sch. 10.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
1 Anne, c. 2	Demise of the Crown	S. 5 as to commissions and writs in England other than commissions of the peace, repealed (Jan. 1, 1926).	49 ss. 226, 227 (2), Sch. 6.
4 & 5 Anne, c. 3.	Amendment of law	Ss. 21, 27 repealed (Jan. 1, 1926). Ss. 9, 10 repealed (Jan. 1, 1926). Ss. 12, 13 repealable by rules of court.	5, ss. 10, 12 (3) (4), Sch. 10. 20, ss. 207, 209 (2) (3), Sch. 7. 49, s. 99 (1) (*f*) (*g*), Sch. 1.
6 Anne, c. 40	Union with Scotland (Amendment) Act, 1707.	S. 4 repealed with savings	81, s. 4, Sch.
7 Anne, c. 20	Middlesex Registry Act, 1708.	Restricted - - -	22, s. 18: *see also* 21, s. 135.
10 Anne, c. 28.	Pleading Act, 1711	Repealed (Jan. 1, 1926) -	5, ss. 10, 12 (3) (4), Sch. 10.
13 Anne, c. 6.	Mortuaries (Bangor, &c.) Abolition Act, 1713.	Repealed (Jan. 1, 1926) -	5, ss. 10, 12 (3) (4), Sch. 10.
4 Geo. 2 c. 28.	Landlord and Tenant Act, 1730.	S. 6 repealed (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.
7 Geo. 2 c. 20.	Mortgage Act, 1733	Repealable by rules of court	49, s. 99 (1) (*f*) (*g*), Sch. 1.
11 Geo. 2 c. 19.	Distress for Rent Act, 1737.	S. 11 repealed (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.
17 Geo. 2:			
c. 3 -	Poor Relief Act, 1743.	Repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 38 -	Poor Relief Act, 1743.	S. 3 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
20 Geo. 2 c. 43.	Heritable Jurisdiction (Scotland) Act, 1746.	Ss. 31, 33 in pt., 39, 40 in pt., repealed with savings.	81, s. 4, Sch.
21 Geo. 2 c. 19.	Sheriffs (Scotland) Act, 1747.	S. 13 repealed - - -	81, s. 4, Sch.
24 Geo. 2 c. 48.	Michaelmas Term Act, 1750.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
25 Geo. 2:			
c. 30 -	Calendar Act, 1751	S. 4 from "and the usual" to "October in every "year," and from "And "whereas by another" to "ninth day of November "in every year," repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 39 -	British Subjects Act, 1751.	Repealed (Jan. 1, 1926) -	5, ss. 10, 12 (3) (4), Sch. 10.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
34 Geo. 3 c. 58.	Lancaster Palatine Courts Act, 1794.	Repealed (Oct. 1, 1925) -	28, ss. 27, 29 (3), (5), Sch. 4.
38 Geo. 3 c. 87.	Administration of Estates Act, 1798.	Repealed as to deaths after 1925.	23, ss. 56, 58 (2), (3), Sch. 2, pt. I.
39 Geo. 3 c. 110.	Judges' Pensions Act, 1799.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
39 & 40 Geo. 3:			
c. 36 -	Transfer of Stock Act, 1800.	Act so far as unrepealed repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
c. 98 -	Accumulations Act, 1800.	Repealed (Jan. 1, 1926) -	20, ss. 207, 209 (2) (3), Sch. 7.
50 Geo. 3 c. 84.	Teinds Act, 1810 -	Repealed - - - -	33, s. 48, Sch. 12.
53 Geo. 3 c. 153.	Judges' Pensions Act, 1813.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
54 Geo. 3:			
c. 84 -	Quarter Sessions Act, 1814.	Repealed (June 1, 1926) -	86, s. 49 (4) (5), Sch. 3.
c. 91 -	Poor Law (Overseers) Act, 1814.	Repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 170 -	Poor Relief Act, 1814.	S. 11 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
55 Geo. 3 c. 192.	Disposition of Copyholds by Will.	Obsolete—*see* - - -	5, s. 9, Sch. 9.
59 Geo. 3 c. 12.	Poor Relief Act, 1819.	Ss. 6, 7 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
3 Geo. 4 c. 10.	Assize Commission Act, 1822.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
4 Geo. 4 c. 76.	Marriage Act, 1823	Ss. 16, 17 repealed (E.) -	45, s. 9 (5) (7).
5 Geo. 4:			
c. 72 -	Teinds Act, 1824 -	Repealed - - - -	33, s. 48, Sch 12.
c. 83 -	Vagrancy Act, 1824.	S. 4 (indecent exposure) am.	86, ss. 42, 49 (4) (5), Sch. 3.
c. 90 -	Additional Churches for Highlands and Islands of Scotland.	Ss. 23–4 and (as to payment of stipend) 13–4, repealed.	33, s. 48, Sch. 12.
6 Geo. 4:			
c. 82 -	Chief Justice's Pension Act, 1825.	Repealed (Jan 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 84 -	Judges' Pensions Act, 1825.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
9 Geo. 4 c. 29.	Circuit Courts (Scotland) Act, 1828.	Ss. 1, 3, 4 repealed with savings.	81, s. 4, Sch.
10 Geo. 4 c. 13.	Court Funds Act, 1829.	Act so far as unrepealed repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
11 Geo. 4 & 1 Will. 4:			
c. 36 -	Contempt of Court Act, 1830.	Act so far as unrepealed repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
c. 37 -	Criminal Law (Scotland) Act, 1830.	S. 3 repealed (with savings)	81, s. 4, Sch.
c. 40 -	Executors Act, 1830	Repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 46 -	Illusory Appointments Act, 1830.	Repealed (E.) (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.
c. 47 -	Debts Recovery Act, 1830.	Repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 65 -	Infants' Property Act, 1830.	Repealed (E.) (Jan. 1, 1926)	5, ss. 10, 12 (3) (4), Sch. 10.
c. 70 -	Law Terms Act, 1830.	S. 6 repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
		S. 35 repealed (June 1, 1926).	86, ss. 22, 49 (2) (4) (5), Sch. 3.
1 Will. 4 c. 3.	Law Terms (Explanation) Act, 1830.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch, 6.
1 & 2 Will. 4 c. 45.	Augmentation of Benefices Act, 1831.	S. 16 excluded - -	24, s. 33 (2).
2 & 3 Will. 4 c. 58.	Contempt of Court Act, 1832.	Act so far as unrepealed repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
3 & 4 Will 4:			
c. 27 -	Real Property Limitation Act, 1833.	Saved - - - -	20, ss. 12, 205 (1) (xii).
		S. 41 repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 42 -	Civil Procedure Act, 1833.	Ss. 2, 37, 38 repealed as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
		Ss. 16, 18 repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
c. 71 -	Assizes Act, 1833 -	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 74 -	Fines and Recoveries Act, 1833	Ss. 2–14, 16, 18 (but *see* below), 29–31, 41, 46, 50–4, 59, 66, 73–4, 76, 79–90, and in part ss. 32, 58, 71, 77 and 91, repealed (E.) (Jan. 1, 1926).	5, ss. 1, 10, 12 (3) (4), Schs. 1, 10, and *see* Sch. 9 for general effect.
		S. 32 (as to settlements operating after 1925) repealed, s. 40 from "and "any deed" virt. repealed, enrolment under ss. 58 and 71–2 abolished (E.) (Jan. 1, 1926).	20, ss. 133, 207, 209 (2) (3), Sch. 7.
		S. 27 "no woman . . . dower and" repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
		S. 18 (prosp. repealed above) continued permanently.	76, s. 1 (2), Sch., 1, pt. II.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
3 & 4 Will. 4:			
c. 90 -	Lighting and Watching Act, 1833.	Ss. 33 in part, 34 repealed prosp. (E. except London).	90, ss. 3 (1), 69, 70 (1), Sch. 8.
c. 104 -	Administration of Estates Act, 1833	Repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 105 -	Dower Act, 1833 -	Repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 106 -	Inheritance Act, 1833.	How far remaining in force, *see*	5, s. 9, Sch. 9 and 23, s. 51(2).
4 & 5 Will. 4 c. 36.	Central Criminal Court Act, 1834.	Applicable by O. in C. to adjoining counties, s. 15 amended.	49, ss. 73–4.
5 & 6 Will. 4 c. 50.	Highway Act, 1835	Powers under ss. 82 and 85 extended to :—	
		tenants for life - -	18, s. 56 (3).
		universities and colleges	24, s. 16 (3).
		Ss. 27 from " and provided also," 28–9, 31–2, 34, 36–40 prosp. repealed, s. 33 saved (E. except London).	90, ss. 64 (1) (*e*), 69, 70 (1), Sch. 8.
6 & 7 Will. 4:			
c. 87 -	Liberties Act, 1836	S. 8 repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 96 -	Parochial Assessments Act, 1836.	Repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
7 Will. 4 & 1 Vict.:			
c. 26 -	Wills Act, 1837 -	Effect of Law of Property Act, 1922 : *see*	5, s. 9, Sch. 9.
		Ss. 3, 18 amended (E.) (Jan. 1, 1926).	20, ss. 177–8, 209 (2) (3).
c. 28 -	Real Property Limitation Act, 1837	Saved - - - -	20, ss. 12, 205 (1) (xii).
c. 30 -	Superior Courts (Officers) Act, 1837.	Ss. 13, 19 repealed (Oct. 1, 1925).	28, ss. 27, 29 Schs. 4, 5.
		Act repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 45 -	Parish Notices Act, 1837.	S. 2 applied - - -	90, ss. 6 (2) (3), 70 (1).
1 & 2 Vict.:			
c. 74 -	Small Tenements Recovery Act, 1838.	Applied - - - -	14, s. 13 (1).
c. 110 -	Judgments Act, 1838.	S. 13 repealed (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.
		Ss. 14, 15 repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
2 & 3 Vict.:			
c. 11 -	Judgments Act, 1839.	Ss. 10, 11 repealed (Jan. 1, 1926).	5, ss. 10, 12 (3) (4), Sch. 10.
		Ss. 4, 7, 10–1 repealed (Jan. 1, 1926).	22, ss. 24, 26 (2) (3), Sch.
c. 60 -	Debts Recovery Act, 1839.	Repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 72 -	Assizes Act, 1839	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
3 & 4 Vict.:			
c. 65 -	Admiralty Court Act, 1840.	Ss. 18 (wrongly shown as repealed in Statutes Revised), 20–1 repealed (Oct. 1, 1925).	28, ss. 27, 29, Schs. 4, 5.
		Ss. 3, 4, 6, 22. 23 repealed (Jan. 1, 1926), ss. 7–9 repealable by rules of court.	49, ss. 99 (1) (*f*) (*g*), 226, 227 (2), Schs. 1, 6.
c. 82 -	Judgments Act, 1840.	Act so far as unrepealed repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
c. 88 -	County Police Act, 1840.	S. 4 repealed prosp. -	90, ss. 69, 70 (1), Sch. 8.
c. 113 -	Ecclesiastical Commissioners Act, 1840.	S. 69 repealed (Jan. 1, 1926)	24, ss. 42, 45 (2), Sch. 2.
5 Vict. c. 5 -	Court of Chancery Act, 1841.	S. 4 repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
5 & 6 Vict.:			
c. 29 -	Pentonville Prison Act, 1842.	S. 28 in part repealed -	86, s. 49 (4) (5), Sch. 3.
c. 38 -	Quarter Sessions Act, 1842.	S. 1 (9) repealed - -	86, s. 49 (4) (5), Sch. 3.
c. 54 -	Tithe Act, 1842 -	S. 14 excluded - -	87, ss. 18 (1), 23.
c. 86 -	Exchequer Court Act, 1842.	Act so far as unrepealed repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
c. 97 -	Limitations of Actions and Costs Act, 1842.	Ss. 4, 5 repealable (E.) by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
c. 103 -	Court of Chancery Act, 1842.	Ss. 6, 11 from "and every "solicitor" repealed (Oct. 1, 1925).	28, ss. 27, 29, Schs. 4, 5.
		Act repealed (Jan. 1, 1926).	49, ss. 226, 227 (2) Sch. 6.
6 & 7 Vict.:			
c. 68 -	Theatres Act, 1843	S. 15 am. (E.) - - -	86, s. 43.
c. 73.	Solicitors Act, 1843	Amended as to powers of Master of the Rolls.	49, s. 215 (3).
7 & 8 Vict.:			
c. 32 -	Bank Charter Act, 1844.	Saved (Colonial Bank note issue).	cvi., s. 20.
c. 101 -	Poor Law Amendment Act, 1844.	Ss. 22, 62 repealed prosp., 32 ext.	90, ss. 12 (3) (4), 69, 70 (1), Sch. 8.
8 & 9 Vict.:			
c. 15 -	Auctioneers Act, 1845.	Excluded - - - -	49, s. 221.
c. 18 -	Lands Clauses Consolidation Act, 1845.	Ss. 84–90, 92 excluded (E.)	14, ss. 106 (1) (2), 131 Sch. 2.
		Act incorporated (E.) (with mods).	24, ss. 34, 45 (2).
		Applied (except ss. 92, 123) (E.).	71, s. 33 (8).
		S. 133 am. prosp. (rates) (E. except London).	90, ss. 2 (7), 70 (1).
c. 19 -	Lands Clauses Consolidation (Scotland) Act, 1845.	Ss. 83–8 excluded, 127 restricted.	15, ss. 89 (1), 115.
c. 20 -	Railways Clauses Consolidation Act, 1845.	S. 78 (forty yards provision) *see*	18, s. 58 (3); 24, s. 17 (3).
c. 83 -	Poor Law (Scotland) Act, 1845.	S. 54 from "provided also" repealed.	33, s. 48, sch. 12.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
8 & 9 Vict.:			
c. 106 -	Real Property Act, 1845.	S. 8 repealed (E.) (Jan. 1, 1926). Ss. 2–7, 9 repealed (E.) (Jan. 1, 1926).	5, ss. 10, 12 (3) (4), Sch. 10. 20, ss. 207, 209 (2) (3), Sch. 7.
c. 112 -	Satisfied Terms Act, 1845.	Repealed (E.) (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.
9 & 10 Vict.:			
c. 74 -	Baths and Wash-houses Act, 1846.	S. 34 from "and such bye-"laws" to "Sch. (A) to "this Act," Sch. (A), re-pealed; s. 34 from "and "for determining" to "bathing places respec-"tively" repealed pro-spectively; s. 34 extended.	71, ss. 1 (5), 2 (4), 9, 85–6, 87 (2), Sch. 5.
c. 93 -	Fatal Accidents Act, 1846.	Saved (E.) - - -	23, s. 26 (6).
10 & 11 Vict.:			
c. 15 -	Gas Works Clauses Act, 1847.	S. 7 excluded (E.) - -	71, s, 80.
c. 17 -	Waterworks Clauses Act, 1847.	S. 22 (forty yards provisions) (E.). *See* S 29 excluded (E.) - -	18, s. 58 (3), and 24, s. 17 (3). 71, s. 80.
c. 34 -	Towns Improve-ment Clauses Act, 1847.	Ss. 69, 70, 74 extended (E.)- Ss. 176–7 prosp. repealed (E. except London).	71, ss. 21, 24. 90, ss. 69, 70 (1), Sch. 8.
c. 61 -	Baths and Wash-houses Act, 1847.	S. 7 and Sch. repealed prospectively.	71, ss. 2 (4), 9 (1), 85, Sch. 5 pt. I.
c. 89 -	Town Police Clauses Act, 1847.	Ext. (hackney carriages) -	71, s. 76.
11 & 12 Vict.:			
c. 42 -	Indictable Offences Act, 1848.	Ss. 11 (except as applied), 16 "within the jurisdic-"tion of such justice," 17 from "and if upon the trial," 18 repealed, Sch. Form N. virt. repealed, ss. 20 applied, 3 made applic. by rules, 16 ext. (E.) (June 1, 1926).	86, ss. 12, 17, 19 (4), 31 (4), 49 (4) (5), Sch. 3.
c. 43 -	Summary Jurisdic-tion Act, 1848.	Ss. 7 am., 20 applied, 11 excluded (E.) (June 1, 1926).	86, ss. 28 (3), 29, 31 (4), 49 (4) (5), Sch. 3.
c. 87 -	Debts Recovery Act, 1848.	Act repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 91 -	Poor Law Audit Act, 1848.	Ss. 1–2, 11 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 110 -	Poor Law Amend-ment Act, 1848.	S. 7 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
12 & 13 Vict.:			
c. 8 -	Poor Law (Over-seers) Act, 1849.	Repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 14 -	Distress for Rates Act, 1849.	Excluded - - -	90, s. 2 (3) (*b*).
c. 26 -	Leases Act, 1849 -	Repealed (E.) (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
12&13 Vict. :			
c. 45 -	Quarter Sessions Act, 1849.	Ss. 12–4 excluded - -	90, ss. 31 (6), 70 (1).
c. 103 -	Poor Law Amendment Act, 1849.	S. 6 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 109 -	Petty Bag Act, 1849.	Act so far as unrepealed repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
c. 110 -	Suspension of Leases Act, 1849.	Repealed (E.) (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.
13 & 14Vict.:			
c. 17 -	Leases Act, 1850 -	Repealed (E.) (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.
c. 43 -	Court of Chancery of Lancaster Act, 1850.	S. 24 repealed (Jan. 1, 1926)	22, ss. 24, 26 (2), Sch.
c. 57 -	Vestries Act, 1850	Ss. 6–9 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 101 -	Poor Law Amendment Act, 1850.	S. 7 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
14 & 15Vict.:			
c. 41 -	Chief Justice's Salary Act, 1851.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 83 -	Court of Chancery Act, 1851.	S. 18 repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
15 & 16Vict.:			
c. 73 -	Common Law Courts Act, 1852.	S. 26 repealed (Oct. 1, 1925)	28, ss. 27, 29 (5), Sch. 4.
		S. 11 repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 76 -	Common Law Procedure Act, 1852.	S. 209 repealed (Jan. 1, 1926).	20, ss. 207, 209 (2), Sch. 7.
		Ss. 126, 127, 132, 210–4, 217–20 repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
c. 80 -	Court of Chancery Act, 1852.	Ss. 17, 19–21, 23 repealed (Oct. 1, 1925).	28, ss. 27, 29, Schs. 4, 5.
		Act repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 81 -	County Rates Act, 1852.	Ss. 4–20, 26 in part, 27–9, 32 "allowed," 40–3 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 87 -	Court of Chancery Act, 1852.	Ss. 3, 4 repealed (Oct. 1, 1925).	28, ss. 27, 29 (5), Sch. 4.
		Ss. 16, 21, 42 repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
16 & 17Vict.:			
c. 107 -	Customs Consolidation Act, 1853.	Ss. 336–345 applied -	88, s. 1 (3).
c. 137.	Charitable Trusts Act, 1853.	S. 60 amended - - -	27, ss. 2, 3 (2).
17 & 18Vict.:			
c. 34 -	Attendance of Witnesses Act, 1854.	Repealed (Jan. 1, 1926) as to issue of process by High Court in E.	49, ss. 49, 226, 227 (2), Sch. 6.
c. 80 -	Registration of Births, Deaths and Marriages (Scotland) Act, 1854.	S. 13 repealed - - -	33, s. 48, Sch. 12.
		S. 6 extended - - -	70, s. 45 (4) (*a*) (*b*).

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
17 & 18 Vict.:			
c. 97 -	Inclosure Act, 1854	S. 11 proviso, and in part s. 13, repealed (Jan. 1, 1926).	20, ss. 207, 209 (2), Sch. 7.
c. 113 -	Real Estate Charges Act, 1854.	Act repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
18 & 19 Vict.:			
c. 15 -	Judgments Act, 1855.	S. 11 in part repealed (Jan. 1, 1926).	20, ss. 207, 209 (2), Sch. 7.
		Ss. 3, 12–4 repealed (Jan. 1, 1926).	22, ss. 24, 26 (2), Sch.
c. 68 -	Burial Grounds (Scotland) Act, 1855.	Ss. 12–3, 18 applied - -	33, s. 32.
c. 120 -	Metropolis Management Act, 1855.	S. 190 amended (housing) -	14, s. 84 (2) (ii).
c. 124 -	Charitable Trusts Amendment Act, 1855.	S. 18 repealed - - -	27, ss. 1 (4), 3 (2)
c. 134 -	Court of Chancery Act, 1855.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
19 & 20 Vict. c. 83.	Coastguard Service Act, 1856.	Repealed - - -	88, s. 3 (4).
20 Vict. c. 19.	Extra - Parochial Places Act, 1857.	S. 1 from "and the justices" repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
20 & 21 Vict.:			
c. 57 -	Married Women's Reversionary Interests Act, 1857.	Ss. 1 as to acknowledgment, and 2 repealed (E.).	5, ss. 10, 12 (3) (4), Sch. 10.
c. 77 -	Court of Probate Act, 1857.	Ss. 70–80 repealed as to deaths after 1925.	23, ss. 56, 58 (2), Sch. 2, pt. I.
		Ss. 19, 81, 88, 94 (Oct. 1, 1925) and, prospectively, ss. 46 in pt. 47 and 49 in pt., repealed.	28, ss. 27, 29, Schs. 4, 5.
		Ss. 4, 13, 20–3, 29, 30, 46–53, s. 58 from "and the "decision of the Court of "Probate," ss. 59, 61–4, 66–9, 87, 89–93, 110, 119 and Sch. A. repealed (Jan. 1, 1926), ss. 24, 26, 31, repealable by rules of Court.	49, ss. 99 (1) (*f*) (*g*), 226, 227 (2), Schs. I, 6.
c. 79 -	Probates and Letters of Administration (Ireland) Act, 1857.	S. 95 repealed as to grants where death after March, 1923.	49, s. 226, Sch. 6.
c. 85 -	Matrimonial Causes Act, 1857.	Ss. 36–8, 40, 53–4, 67 repealed (Oct. 1, 1925).	28, ss. 27, 29, Schs. 4, 5.
		Ss. 2, 6, 7, 12–3, 16–7, 21 as to High Court, 22–31, 33–5, 45, 55, 57–8, 66 repealed (Jan. 1, 1926), 39, 41–4, 46, 49 repealable by rules of court.	49, ss. 99 (1) (*f*) (*g*), 226, 227 (2), Schs. 1, 6.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
21 & 22Vict.:			
c. 44 -	Universities and College Estates Act, 1858.	Repealed (Jan. 1, 1926) -	24, ss. 42, 45 (2), Sch. 2.
c. 56 -	Confirmation, of Executors (Scotland) Act, 1858.	S. 12 repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 93 -	Legitimacy Declaration Act, 1858.	S. 4 from "and the powers" to "before the court," repealed (Oct. 1, 1925).	28, s. 29, Sch. 5.
		Act, except s. 3 and except as to Scotland, repealed (Jan. 1, 1926), s. 3 repealable (E.) by rules of court.	49, ss. 99 (1) (*f*) (*g*), 226, 227 (2) Schs. 1, 6.
c. 95 -	Court of Probate Act, 1858.	Ss. 16, 18 9, 21–2, repealed as to deaths after 1925.	23, ss. 56, 58 (2), Sch. 2, pt. I.
		Ss. 15, 17, 21 in pt., and 28 (Oct. 1, 1925), 20 in pt. prospectively repealed.	28, ss. 27, 29, Schs. 4, 5.
		Ss. 3, 8, 10, 12, 20, 24–7, 29 as to grants where death after March, 1923, and ss. 35 and 37 repealed (Jan. 1, 1926), s. 23 repealable by rules of court.	49, ss. 99 (1) (*f*) (*g*), 226, 227 (2), Schs. 1, 6.
c. 108 -	Matrimonial Causes Act, 1858.	Ss. 5, 14 repealed (Oct. 1, 1925).	28, ss. 27, 29 (5), Sch. 4.
		Ss. 4, 6–11 and 15 repealed (Jan. 1, 1926), s. 13 repealable by rules of court.	49, ss. 99 (1) (*f*) (*g*), 226, 227 (2), Schs. 1, 6.
22 Vict. c. 26.	Superannuation Act, 1859.	S. 10 excluded - - -	49, s. 128 (1) (*c*).
22 & 23Vict:			
c. 17 -	Vexatious Indictments Act, 1859.	S. 1 extended - - -	72, s. 1 (4).
c. 21 -	Queen's Remembrancer Act, 1859.	S. 17 repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 35 -	Law of Property Amendment Act, 1859.	S. 13 repealed (E.) (Jan. 1, 1926).	18, ss. 119, 120 (2) (3), Sch. 5.
		Ss. 23, 27–9 repealed (E.) (Jan. 1, 1926).	19, ss. 70, 71 (2) (3), Sch. 2.
		Ss. 1–3, 10–2, 21, 24 repealed (E.) (Jan. 1, 1926).	20, ss. 207, 209 (2) (3), Sch. 7.
		S. 22 repealed (E.) (Jan. 1, 1926).	22, ss. 24, 26 (2) (3), Sch.
		Ss. 14–8 repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 61 -	Matrimonial Causes Act, 1859.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
23 & 24Vict:			
c. 38 -	Law of Property Amendment Act, 1860.	Act except ss. 6 and 8 repealed (E.) (Jan. 1, 1926).	5, ss. 10, 12 (3) (4), Sch. 10.
		Ss. 6, 8 repealed (E.) (Jan. 1, 1926).	20, ss. 207, 209 (2) (3), Sch. 7.
c. 59 -	Universities and College Estates Act Extension, 1860.	Repealed (Jan. 1, 1926) -	24, s. 42, 45 (2), Sch. 2.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
23 & 24 Vict.:			
c. 91 -	Oxford University Act, 1860.	S. 2 repealed (Jan. 1, 1926)	49, ss. 173 (4), 226, 227 (2), Sch. 6.
c. 93 -	Tithe Act, 1860 -	Ss. 11 excluded, 17 extended.	87, ss. 18 (2) (3), 23.
c. 115 -	Crown Debts and Judgments Act, 1860.	S. 2 repealed (Jan. 1, 1926)	22, ss. 24, 26 (2), Sch.
c. 126 -	Common Law Procedure Act, 1860.	Ss. 1, 22 repealed (Jan. 1, 1926), s. 17 repealable by rules of court.	49, ss. 99 (1) (*f*) (*g*), 226, 227 (2), Schs. 1, 6.
c. 127 -	Solicitors Act, 1860	Ss. 30–1 amended (abolition of married women's acknowledgments).	5, ss. 10, 12 (3), Sch. 10.
		S. 20, as to power of Master of the Rolls, amended.	49, s. 215 (3).
c. 136 -	Charitable Trusts Act, 1860.	S. 18 amended - - -	27, ss. 2, 3 (2).
c. 144 -	Matrimonial Causes Act, 1860.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 149 -	Court of Chancery Act, 1860.	S. 9 repealed (Oct. 1, 1925)	28, ss. 27, 29 (5), Sch. 4.
		Ss. 2, 3, 5, 6 repealable by rules of court.	49, s. 99 (1) (*f*) (*g*), Sch. 1.
24 & 25 Vict.:			
c. 10 -	Admiralty Court Act, 1861.	Ss. 13, 21, 23, 30, and in 27 "or deputy" repealed (Oct. 1, 1925).	28, ss. 27, 29, Schs. 4, 5.
		Ss. 4, 5, 7, 8, 10–1, 27, 35, repealed (Jan. 1, 1926).	49, ss. 99 (1) (*f*) (*g*), 226, 227 (2), Schs. 1, 6.
		Ss. 16, 18, 25–6, 28, 33–4, repealable by rules of court.	
c. 55 -	Poor Removal Act, 1861.	S. 10 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 97 -	Malicious Damage Act, 1861.	Offences under ss. 16–7 triable at quarter sessions, under ss. 16, 20–1, 51 punishable summarily (E.).	86, ss. 18, 24, 49 (5), Schs. 1, 2.
c. 99 -	Coinage Offences Act, 1861.	Misdemeanours punishable summarily, s. 28 repealed (E.).	86, ss. 24, 49 (3)–(5), Schs. 2, 3.
c. 100 -	Offences against the Person Act, 1861.	Ss. 43 from "and if the justice," 57 "England or" (where occurring secondly) repealed, 42–3 am., offences under ss. 20, 47 punishable summarily (E.).	86, ss. 24, 39, 49 (4) (5), Schs. 2, 3.
c. 133 -	Land Drainage Act, 1861.	S. 35 (annual charge): *see*	22, s. 10 (1) (*ii*).
25 & 26 Vict.:			
c. 53.	Land Registry Act, 1862.	Determined as to registration of title.	21, s. 137 (1) (2).
c. 103 -	Union Assessment Committee Act, 1862.	Repealed prosp. (E. except London).	90, ss. 17 (2), 48, 57, 65, 68 (3), 69, 70 (1), Sch. 8.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
27 & 28Vict.:			
c. 39 -	Union Assessment Committee Amendment Act, 1864.	Repealed prosp. except ss. 6, 13 (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 44 -	Matrimonial Causes Act, 1864.	Act as to High Court repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 114 -	Improvement of Land Act, 1864.	S. 9 extended (S.) - -	15, s. 64.
		Powers of Min. extended (E.).	18, s. 115 (1).
		S. 59 (" teinds ") extended (S.).	33, s. 47 (3).
28 & 29Vict.:			
c. 48 -	Courts of Justice Building Act, 1865.	Ss. 18–21 repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 79 -	Union Chargeability Act, 1865.	S. 12 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
29 & 30Vict.:			
c. 32 -	Matrimonial Causes Act, 1866.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 78 -	County Rate Act, 1866.	Repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 113 -	Poor Law Amendment Act, 1866.	Ss. 10–2 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
30 & 31Vict.:			
c. 35 -	Criminal Law Amendment Act, 1867	S. 3 repealed (June 1, 1926)	86, s. 49 (4) (5), Sch. 3.
c. 47 -	Lis Pendens Act, 1867.	S. 2 repealed (Jan. 1, 1926)	22, ss. 24, 26 (2), Sch.
c. 69 -	Real Estate Charges Act, 1867.	Act repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 87 -	Court of Chancery (Officers) Act, 1867.	Act repealed (Oct. 1, 1925)	28, ss. 27, 29 (5), Sch. 4.
c. 102 -	Representation of the People Act, 1867.	S. 7 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 144 -	Policies of Assurance Act, 1867.	Saved - - - -	20, s. 136 (2).
31 & 32Vict.:			
c. 4 -	Sales of Reversions Act, 1867.	Act repealed (E.) (Jan. 1, 1926).	20, ss. 207, 209 (2) (3), Sch. 7.
c. 40 -	Partition Act, 1868	Act repealed (E.) with saving for existing proceedings (Jan. 1, 1926).	20, ss. 207, 209 (2) (3), Sch. 7.
c. 77 -	Matrimonial Causes Act, 1868.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 96 -	Eccles. Buildings and Glebes (S.) Act, 1868.	Ss. 3 amended, 16–20 applied.	33, ss. 2 (2), 27–8, Sch. 11.
c. 100 -	Court of Session Act, 1868.	Ss. 9 amended, 106 extended.	33, s. 41.
c. 110 -	Telegraph Act, 1868.	Offences punishable summarily (E.).	86, s. 24, Sch. 2.
c. 119 -	Regulation of Railways Act, 1868.	Ss. 30–2 applied -	16, s. 17; 17, s. 16.
c. 122 -	Poor Law Amendment Act, 1868.	Ss. 28–32, 38–40 repealed prosp. (E. except London).	90, ss. 48, 69, 70 (1), Sch. 8.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
32 & 33 Vict.:			
c. 41 -	Poor Rate Assessment and Collection Act, 1869.	Ss. 3–6, 9, 11, 13–4, 16–7, 18 in part, 20 prosp. repealed, 7–8, 12, 19 prosp. re-enacted and applied, (E. except London).	90, ss. 11 (7) (10), 69, 70 (1), Sch. 8.
c. 46 -	Administration of Estates Act, 1869.	Act repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 62 -	Debtors Act, 1869	S. 5 excluded - - -	70, s. 34 (2).
		Offences under s. 13 (1) punishable summarily (E.).	86, s. 24, Sch. 2.
c. 67 -	Valuation (Metropolis) Act, 1869.	Schedule 3 am. (list taking effect 1926).	40.
c. 68 -	Evidence Further Amendment Act, 1869.	S. 3 as to High Court repealed (E.) (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 89 -	Clerks of Assize, &c., Act, 1869.	S. 3 (2) repealed (Oct. 1, 1925).	28, ss. 27, 29 (5), Sch. 4.
		Residue repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 91 -	Courts of Justice (Salaries and Funds) Act, 1869.	Ss. 8 and, as to Sup. Ct. officers, 14 repealed (Oct. 1, 1925).	28, ss. 27, 29, Schs. 4, 5.
		Ss. 12, 13 as to officers of Supreme Court repealed (Jan. 1, 1926.)	49, ss. 226, 227 (2), Sch. 6.
33 & 34 Vict.:			
c. 10 -	Coinage Act, 1870	S. 8 amended (unless proclam. otherwise directs).	29, s. 1 (1) (c).
c. 23 -	Forfeiture Act, 1870	Saved as to convict's land (E.).	20, s. 7 (3).
34 & 35 Vict. c. 31.	Trade Union Act, 1871.	S. 7 "not exceeding one "acre" repealed (E.) (Jan. 1, 1926).	20, ss. 207, 209 (2) (3), Sch. 7.
35 & 36 Vict.:			
c. 44 -	Court of Chancery (Funds) Act, 1872.	Ss. 8, from "and shall," para. 1 of 19, 20, 25 repealed (Oct. 1, 1925).	28, ss. 27, 29, Schs. 4, 5.
		Act repealed (Jan. 1, 1926)	49, ss. 133 (6), 135, 226, 227 (2), Sch. 6.
c. 51 -	Judges' Salaries Act, 1872.	S. 4 "in England and" [? "England and"] repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
36 & 37 Vict.:			
c. 31 -	Matrimonial Causes Act, 1873.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 66 -	Supreme Court of Judicature Act, 1873.	S. 25 (3)–(7) repealed (Jan. 1, 1926).	20, ss. 207, 209 (2), Sch. 7.
		Ss. 8, 44 and in part ss. 29, 32–3, 34 (2), 52, 60, 83–4 repealed (Oct. 1, 1925).	28, ss. 27, 29, Schs. 4, 5.
		Act, except ss. 25 (2), 46, 64 and 66, repealed (Jan. 1, 1926); ss. 46, 64, 66 repealable by rules of court.	49, ss. 99 (1) (*f*) (*g*), 226, 227 (2), Schs. 1, 6.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
37 & 38 Vict.:			
c. 37 -	Powers of Appointment Act, 1874.	Repealed (E.) (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.
c. 45 -	County of Hertford, &c., Act, 1874.	Ss. 9, 13–5, 18 repealed (June 1, 1926).	86, s. 49 (4) (5), Sch. 3.
c. 54 -	Rating Act, 1874 -	S. 12, and defns. of 'valuation list' and 'assessment committee' in s. 15 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 78 -	Vendor and Purchaser Act, 1874.	Repealed (E.) (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.
c. 88 -	Births and Deaths Registration Act, 1874.	S. 44 extended - - -	70, s. 31 (2).
38 & 39 Vict.:			
c. 24 -	Falsification of Accounts Act, 1875.	Offences punishable summarily (E.).	86, s. 24, Sch. 2.
c. 41 -	Intestates' Widows and Children (Scotland) Act, 1875.	S. 3 as to resealing of confirmations in England repealed (Jan. 1, 1926).	49, ss. 168 (3), 226, 227 (2), Sch. 6.
c. 55 -	Public Health Act, 1875.	Ss. 184, 327, 332 excluded, 52, 175–8, 182–6, 279, 293–6, 298 applied, 157 and provisions as to bye-laws extended.	14, ss. 6, 63, 68 (3), 87 (3), 100, 108, 112, 116 (2), 135.
		Ss. 175–8 applied and ext. to London, 293–6, 298 applied, 234 (2) (3) excluded.	16, ss. 8 (2), 18 (2), 20 (4).
		Ss. 160 (1) virt. repealed (prosp.), 25, 32–4, 53, 112, 213, 234 (4), 257 amended, 21, 36, 91, 96, 123, 130–1, 150, 154, 276 extended, 102–3 applied.	71, ss. 4 (2), 19 (3), 35–6, 38, 42, 43 (2), 44 (2), 47, 54 (1), 61, 63 (1) (3), 64, 77 (*a*), 78–9, 81–3.
		Ss. 210 from "any such rate," 211 (except (1) (c) and (4)), 212, 218 "general district rate or," 219–223 and 225 (except as to private improvement rates), 230–1, 248 repealed; 200, 247, 296 ext.; (prosp.) (E. except London).	90, ss. 1 (3), 11 (10), 12 (3) (4), 61 (1), 69, 70 (1), Sch. 8.
c. 77 -	Supreme Court of Judicature Act, 1875.	S. 10 repealed as to deaths after 1925.	23, ss. 56, 58 (2), Sch. 2, pt. I.
		Ss. 13, 17–8, 22, 23 para. 1 in pt., s. 24 repealed (Oct. 1, 1925).	28, ss. 27, 29, Schs. 4, 5.
		Act repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 83 -	Local Loans Act, 1875.	S. 12 applied - - -	90, ss. 13 (1), 70 (1).
c. 87 -	Land Transfer Act, 1875.	Repealed (Jan. 1, 1926) -	21, ss. 147, 148 (2), Sch.
c. 89 -	Public Works Loans Act, 1875.	Applied as amended -	61, s. 2.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
39 & 40 Vict.:			
c. 17	Partition Act, 1876	Repealed (E.) save for proceedings pending on Jan. 1, 1926.	5, ss. 1, 12 (3) (4), Sch. 1; and 20, ss. 207, 209 (2) (3), Sch. 7.
c. 18	Treasury Solicitor Act, 1876.	In ss. 2, 4, 6, 7 "personal estate" ext. to include real estate.	23, s. 30 (4).
c. 24	Small Testate Estates (Scotland) Act, 1876.	S. 3 as to resealing of confirmations in England repealed (Jan. 1, 1926).	49, ss. 168 (3), 226, 227 (2), Sch. 6.
c. 36	Customs Consolidation Act, 1876.	Ss. 30–1 applied, 106 and provisions as to security or entry before shipment, restricted.	36, s. 10 (2), Sch. 2, pt. III
		Ss. 30–1 applied	56, s. 10 (2).
		S. 42 extended to therapeutic substances (prosp.).	60, ss. 3 (3), 8 (2).
		Ss. 30–1 applied (*temp.*).	79, s. 1 (4), Sch. 2 [10 (2)].
c. 56	Commons Act, 1876	Applied, s. 30 extended	20, s. 194.
c. 57	Winter Assizes Act, 1876.	Repealed (E.) (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 59	Appellate Jurisdiction Act, 1876.	Ss. 16, 17 from "and rules "of court for" and 22 repealed (Oct. 1, 1925).	28, s. 29, Sch. 5.
		Ss. 15–20 repealed (E.) (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 61	Divided Parishes and Poor Law Amendment Act, 1876.	S. 6 "for which an overseer "shall be appointed or" and "other" repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 70	Sheriff Courts (Scotland) Act, 1876.	Ss. 42 and 43 as to resealing of confirmations or additional confirmations in England repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
40 & 41 Vict.:			
c. 2	Treasury Bills Act, 1877.	S. 6 excluded	57, s. 2 (2); 78, s. 2 (2).
c. 9	Supreme Court of Judicature Act, 1877.	Repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 11	Jurisdiction in Rating Act, 1877.	S. 3 from "As to England" to "of Justice and" [in Statutes Revised to "Appeal and"] repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 18	Settled Estates Act, 1877.	Act repealed (E.) (Jan. 1, 1926).	18, ss. 119, 120 (2) (3), Sch. 5.
c. 25	Solicitors Act, 1877	Ss. 6, 8, 11 amended (powers of Master of the Rolls).	49, s. 215 (3).
c. 33	Contingent Remainders Act, 1877.	Act repealed (E.) (Jan. 1, 1926).	5, ss. 10, 12 (3) (4), Sch. 10.
c. 34	Real Estate Charges Act, 1877.	Act repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 46	Winter Assizes Act, 1877.	Repealed (E.) (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
41 & 42 Vict.:			
c. 14 -	Baths and Wash-houses Act, 1878.	Ss. 4 from "and make such," 14, and Sch. repealed prospectively; ss. 5–8 repealed and substituted.	71, ss. 1 (5), 2 (4), 9, 85–7, Sch. 5.
c. 19 -	Matrimonial Causes Act, 1878.	Repealed (E.) (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 31 -	Bills of Sale Act, 1878.	S. 10 amended - - -	28, s. 23 (2).
c. 42 -	Tithe Act, 1878 -	Ss. 1, 5 am. - - -	87, ss. 19, 23, 24 (1).
c. 50 -	County of Hertford Act, 1878.	Ss. 4 repealed, 5 am. (June 1, 1926).	86, ss. 23 (5), 49 (4) (5), Sch. 3.
c. 76 -	Telegraph Act, 1878	S. 7 extended - - -	68, s. 1 (6); and 71, s. 27 (1) (*d*).
42 & 43 Vict.:			
c. 1 -	Spring Assizes Act, 1879.	Ss. 2 and 4 repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 6 -	District Auditors Act, 1879.	Powers of Min. saved -	90, s. 10 (2).
c. 19 -	Habitual Drunkards Act, 1879.	S. 3 ("habitual drunkard") extended (E.).	50, s. 3.
c. 21 -	Customs and Inland Revenue Act, 1879.	S. 6 excluded - - -	36, s. 11.
		S. 6 excluded (*temp.*) -	79, s. 1 (4), Sch. 2 [11].
c. 22 -	Prosecution of Offences Act, 1879.	S. 5 applied - - -	86, s. 13 (5).
c. 49 -	Summary Jurisdiction Act, 1879.	S. 31 applied (with mods.) -	14, s. 27.
		S. 34 (2) applied - -	45, s. 7 (5); and 50, s. 5.
		Ss. 12–3, 36, 39 (1), 45, Sch. 1 repealed, ss. 38 (2) added, 9 (2), 31 am., 17 applied (June 1, 1926).	86, ss. 21, 26 (1), 31 (4), 33 (5), 45, 49 (4) (5), Sch. 3.
c. 78 -	Supreme Court of Judicature (Officers) Act, 1879.	Sch. 1 amended (married women's acknowledgments).	5, ss. 10, 12 (2), Sch. 10, and 20, s. 167.
		Ss. 9 (4), 10–1, 13, 16, 18, 22, 26 repealed (Oct. 1, 1925).	28, ss. 27, 29, Schs. 4, 5.
		Repealed (Jan. 1, 1926) -	49, ss. 132, 226, 227 (2), Sch. 6.
43 Vict. c. 14	Customs and Inland Revenue Act, 1880	S. 10 (2) repealed (E.) (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
43 & 44 Vict.:			
c. 7 -	Union Assessment Act, 1880.	Repealed prosp. (E. except London).	90, ss. 17 (2), 69, 70 (1), Sch. 8.
c. 10 -	Great Seal Act, 1880.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 46 -	Universities and College Estates Amendment Act, 1880.	Repealed (Jan. 1, 1926) -	24, ss. 42, 45 (2), Sch. 2.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
44 & 45 Vict.:			
c. 38 -	Public Works Loans Act, 1881.	S. 11 repealed - - -	(E.) 14, s. 136, Sch. 6: (S.) 15, s. 120, Sch. 6.
c. 41 -	Conveyancing and Law of Property Act, 1881.	In part repealed (E.) (Jan. 1, 1926).	5, ss. 1, 12 (3) (4), Sch. 1.
		S. 42 (1)–(3) (7) repealed (E.) (Jan. 1, 1926).	18, ss. 119, 120 (2) (3), Sch. 5.
		S. 42 (4) (5) repealed (E.) (Jan. 1, 1926).	19, ss. 70, 71 (2) (3), Sch. 2.
		Act repealed (E.) except ss. 30 as to deaths before 1926, 42–3 as to instruments operating before 1926, 2 and 48 (Jan. 1, 1926).	20, ss. 78, 117 (2), 207, 209 (2) (3), Sch. 7.
		S. 48 repealed (E.) - -	49, s. 226, Sch. 6.
c. 44 -	Solicitors Remuneration Act, 1881.	S. 2 extended - - -	21, s. 106 (1).
c. 49 -	Land Law (Ireland) Act, 1881.	S. 30 amended - -	34, s. 30 (1).
c. 58 -	Army Act, 1881 -	S. (6) (1) (*e*) (*f*) (*j*), Sch. 3 omitted, new ss. 6 (2) (*c*) (*d*) (*e*), 46 (2) (*e*), 112 (7), 163 (1) (*m*), 190 (40A) added, ss. 8 (1), 9 (1), 18 (1) (4), 46 (2) (*b*) (7) (8), 47 (1) (5), 57 (1) (2), 83, 115 (2) (3A) (10), 137 (4), 138 (1), 183 (1), 190 (5) amended, new ss. 18 (2), 46 (9), 113 (1)–(4), 115 (4), 190 (15), Sch. 6 (3), substituted, s. 71 (1) proviso repealed.	25, ss. 4–14, 16–7, Sch. 2.
c. 59 -	Statute Law Revision and Civil Procedure Act, 1881.	S. 6 from "matters with respect" to "and to all" repealed (Oct. 1, 1925).	28, s. 29, Sch. 5.
		S. 6 repealed - - -	49, s. 226, Sch. 6.
c. 64 -	Central Criminal Court (Prisons) Act, 1881.	Applicable by O. in C. to adjoining counties.	49, s. 73.
c. 68 -	Supreme Court of Judicature Act, 1881.	S. 26 repealed (Jan. 1, 1926)	5, ss. 10, 12 (3), Sch. 10.
		Ss. 11, 22 repealed (Oct. 1, 1925).	28, ss. 27, 29, Schs. 4, 5.
		Act, except ss. 1 and 9 paras. 3 and 4, repealed.	49, s. 226, Sch. 6.
45 & 46 Vict.:			
c. 20 -	Poor Rate Assessment, &c., Act, 1882.	Repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 27 -	Highway Rate Assessment and Expenditure Act, 1882.	Act, except ss. 1, 2, 6, repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 38 -	Settled Land Act, 1882.	In part repealed (E.) (Jan. 1, 1926).	5, ss. 1, 12 (3) (4), Sch. 1.
		Act, except s. 30, repealed with retrospective amdts. (E.) (Jan. 1, 1926).	18, ss. 118–9, 120 (2) (3), Schs. 4, 5.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
45 & 46 Vict.:			
c. 39 -	Conveyancing Act, 1882.	Act repealed (E.) (Jan. 1, 1926).	20, ss. 207, 209 (2) (3), Sch. 7.
		S. 2 repealed (E.) (Jan. 1, 1926).	22, ss. 24, 26 (2) (3), Sch.
c. 43 -	Bills of Sale Act (1878) Amdt. Act, 1882.	S. 11 amended - - -	28, s. 23 (1).
c. 48 -	Reserve Forces Act, 1882.	S. 14 (2) amended - -	25, s. 17 2) (*b*).
c. 50 -	Municipal Corporations Act, 1882.	S. 182 (3) repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
		S. 12 (1) (*b*) repealed -	54, s. 2 (2).
		S. 223 repealed - -	86, s. 49 (4) (5), Sch 3.
		Ss. 144 (except (1) and (2)), 145, 146 (1) in part, (3)–(6), 147–8, 197 (5), 198 (2) in part, 199, 238 repealed prosp.	90, ss. 69, 70 (1), Sch. 8.
c. 61 -	Bills of Exchange Act, 1882.	S. 60 extended - - -	49, s. 139.
46 & 47 Vict.:			
c. 29 -	Supreme Court of Judicature (Funds, &c.) Act, 1883.	S. 4 (2) repealed (Oct. 1, 1925).	28, s. 29, Sch. 5.
		Residue repealed - -	49, s. 226, Sch. 6.
c. 49 -	Statute Law Revision and Civil Procedure Act, 1883.	S. 6 repealed (Oct. 1, 1925)	28, s. 29, Sch. 5.
		Act repealed (Jan. 1, 1926)	49, ss. 209, 226, 227 (2), Sch. 6.
47 & 48 Vict.:			
c. 18 -	Settled Land Act, 1884.	Repealed (E.) (Jan. 1, 1926)	18, ss. 119, 120 (2) (3), Sch. 5: and *see* 20, s. 29 (4).
c. 20 -	Greek Marriages Act, 1884.	S. 1 from "or with such rules" repealed (Oct. 1, 1925).	28, s. 29, Sch. 5.
c. 61 -	Supreme Court of Judicature Act, 1884.	S. 23 repealed (Oct. 1, 1925)	28, s. 29, Sch. 5.
		Act repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 68 -	Matrimonial Causes Act, 1884.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 71 -	Intestates Estates Act, 1884.	Repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 72 -	Disused Burial Grounds Act, 1884.	Excluded (Greenwich Hospital ground).	58.
48 & 49 Vict.:			
c. 25 -	East India Unclaimed Stock Act, 1885.	S. 23 (3) repealed (E.) (Jan. 1, 1926).	19, ss. 70, 71 (2) (3), Sch. 2.
c. 39 -	Criminal Law Amendment Act, 1885.	Offences under s. 13 triable at quarter sessions (E.).	86, s. 18, Sch. 1.
c. 72 -	Housing of the Working Classes Act, 1885.	S. 9 (1) (2) extended (E.) -	71, s. 43 (1) (3).

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
49 & 50 Vict.:			
c. 1 - -	Land Registry Act, 1886.	Repealed (Jan. 1, 1926) -	21, ss. 147, 148 (2), Sch.
c. 27 -	Guardianship of Infants Act, 1886.	S. 5 extended, ss. 2, 3 repealed (E. S.), s. 7 amended (E.).	45, ss. 3 (1), 4 (3), 5 (7), 7 (1), 11 (4).
50 & 51 Vict.:			
c. 23 -	Incumbents Resignation, &c., Act, 1887.	S. 4 repealed prosp. -	87, ss. 1, 26, Sch. 2.
c. 30 -	Settled Land Acts (Amdt.) Act, 1887.	Repealed (E.) (Jan. 1, 1926)	18, ss. 119, 120 (2) (3), Sch. 5.
c. 35 -	Criminal Procedure (Scotland) Act, 1887.	Ss. 46 to "Justiciary and," 50 in part, and Sch. P repealed (with savings), ss. 54 substituted, 41, 48–50 applied.	81, ss. 2–4, Sch.
c. 49 -	Charitable Trusts Act, 1887.	S. 4 (2) extended - -	27, ss. 1 (2), 3 (2).
c. 67 -	Superannuation Act, 1887.	Am. - - - - -	84, s. 33 (2).
51 & 52 Vict.:			
c. 25 -	Railway and Canal Traffic Act, 1888.	S. 6 repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 41 -	Local Government Act, 1888.	Ss. 138–145 applied - -	14, s. 13 (1).
		S. 11 (2) modified - -	68, s. 1 (4).
		Ss. 33 (2) repealed, 74 am., 71 (3), 80 (3), 120 applied, 82 (1) (2) saved (prosp.) (E. except London).	90, ss. 9 (2) (*e*), 18 (4), 54, 69, 70 (1), Schs. 6 (1), 8.
c. 42 -	Mortmain and Charitable Uses Act, 1888.	Ss. 4 (6) (9), 5, 9, as to assurances executed after 1925, repealed (Jan. 1, 1926).	18, ss. 119, 120 (2), Sch. 5.
c. 43 -	County Courts Act, 1888.	S. 184 repealed (Jan. 1, 1926).	5, ss. 10, 12 (3), Sch. 10.
		Ss. 138–145 applied - -	14, s. 13 (1).
		Ss. 16, 125 and 187 repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 51 -	Land Charges Registration and Searches Act, 1888.	Repealed (Jan. 1, 1926) -	22, ss. 24, 26 (2), Sch.
52 & 53 Vict.:			
c. 36 -	Settled Land Act, 1889.	Repealed (E.) (Jan. 1, 1926)	5, ss. 1, 12 (3) (4), Sch. 1.
c. 47 -	Palatine Court of Durham Act, 1889.	S. 10 repealed as to Settled Land Acts (Jan. 1, 1926).	18, ss. 119, 120 (2), Sch. 5.
		S. 11, "for the time being and," repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
52 & 53 Vict.:			
c. 49 -	Arbitration Act, 1889.	S. 21 repealed (Oct. 1, 1925)	28, s. 29, Sch. 5.
		Ss. 1–12 applied, 13–7 and, as to references under order of High Court, 18–20, and 23 repealed (Jan. 1, 1926).	49, ss. 91, 226, 227 (2), Sch. 6.
		Excluded (save as applied by county court rules).	68, s. 9 (4).
		Act made applicable by regs. (to contributory pensions).	70, s. 30 (1) (*b*).
		Applicable by rules, and excluded.	90, s. 24 (8), Sch. 5 (2).
c. 50 -	Local Government (S.) Act, 1889.	S. 67 extended, 67 (2) amended.	15, ss. 68 (3), 69.
		S. 76 applied - - -	17, s. 2 (1) (iii).
		Ss. 60 (3) (4), 66 extended -	50, ss. 12 (2), 14 (2).
c. 63 -	Interpretation Act, 1889.	Applied (except s. 5) to Church Assembly Measures: *see* Church Assembly Measure No. 1 of 1925.	
		S. 5 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 72 -	Infectious Disease (Notification) Act, 1889.	S. 6 applied (E.) - -	71, s. 60.
53 & 54 Vict.:			
c. 5 -	Lunacy Act, 1890 -	Ss. 135–138, as to lunatic trustees, except where Judge or Master in Lunacy has concurrent jurisdiction with the High Court, repealed (E.) (Jan. 1, 1926).	19, ss. 70, 71 (2) (3), Sch. 2.
		Act applied (E.) - -	21, ss. 111 (6), 148 (2) (3).
		Ss. 111 (3) (5), 163 (2) in part repealed (E.) (Oct. 1, 1925).	28, s. 29, Sch. 5.
c. 8 -	Customs and Inland Revenue Act, 1890.	S. 8 (2) applied - - -	56, s. 8 (2).
c. 17 -	Public Health (Rating of Orchards) Acts 1890.	Repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 23 -	Chancery of Lancaster Act, 1890.	S. 4 (1) repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 29 -	Intestates Estates Act, 1890.	Act repealed (E.) as to deaths after 1925.	23, ss. 56, 58 (2) (3), Sch. 2, pt. I.
c. 44 -	Supreme Court of Judicature Act, 1890.	Ss. 2, 3 repealed (Oct. 1, 1925).	28, ss. 27, 29, Schs. 4, 5.
		Act repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 59 -	Public Health Acts Amendment Act, 1890.	Part II. (ss. 13–5), ss. 18 and in part 23 virt. repealed (prospectively) (E.).	71, ss. 1 (4), 20, 25, 38.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
53 & 54 Vict.:			
c. 69 -	Settled Land Act, 1890.	Repealed (E.) (Jan. 1, 1926)	18, ss. 119, 120 (2) (3), Sch. 5.
c. 70 -	Housing of the Working Classes Act, 1890.	Act, except s. 74 (1), repealed (E.) (July 1, 1925).	14, ss. 136, 137 (2) (3), Sch. 6.
		Act repealed (S.) (July 1, 1925).	15, ss. 120, 121 (2) (3), Sch. 6
		S. 74 (1) repealed (Jan. 1, 1926).	18, ss. 119, 120 (2), Sch. 4.
54 & 55 Vict.:			
c. 14 -	Supreme Court of Judicature (London Causes) Act, 1891.	Repealed (Oct. 1, 1925) -	28, ss. 27, 29 (5), Sch. 4.
c. 32 -	Roads and Streets in Police Burghs (S.) Act, 1891.	Am., s. 3 repealed - -	82.
c. 33 -	Allotments Rating Exemption Act, 1891.	Repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 38 -	Stamp Duties Management Act, 1891.	Offences under s. 13 punishable summarily (E.).	86, s. 24, Sch. 2.
c. 53 -	Supreme Court of Judicature Act, 1891.	Ss. 1, 2, and 4 repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 57 -	Redemption of Rent (Ireland) Act, 1891	Act continued, s. 1 amended.	34, s. 23 (3).
c. 64 -	Land Registry (Middlesex Deeds) Act, 1891.	Ss. 1, 3, 4 applied - -	21, s. 136 (2).
c. 66 -	Local Registration of Title (Ireland) Act, 1891.	S. 34 (2) amended - -	34, s. 32 (1) (6).
c. 76 -	Public Health (London) Act, 1891.	S. 94 ext. and in part restricted, s. 114 applied.	14, ss. 6, 68 (3).
55 & 56 Vict.:			
c. 13 -	Conveyancing and Law of Property Act, 1892.	Repealed (E.) (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.
c. 53 -	Public Libraries Act, 1892.	S. 18 (1) from "and (c) where" repealed prosp. (E. except London).	90, ss. 2 (6), 69, 70 (1), Sch. 8.
c. 55 -	Burgh Police (Scotland) Act, 1892.	S. 318 excluded - - -	15, s. 81 (1).
		S. 395 explained - -	51, s. 14 (4).
c. 57 -	Private Street Works Act, 1892.	Ss. 6 ext., 13–4 amended -	71, ss. 35, 77 (b).
c. 58 -	Accumulations Act, 1892.	Repealed (E.) (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.
56 & 57 Vict.:			
c. 21 -	Voluntary Conveyances Act, 1893.	Repealed (E.) (Jan. 1, 1926)	20, ss. 207, 209 (2) (3), Sch. 7.
c. 39 -	Industrial and Provident Societies Act, 1893.	S. 4 (a) excluded - -	(E.) 14, ss. 70 (3), 135. (S.) 15, ss. 57 (2), 119.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
56 & 57 Vict.:			
c. 53 -	Trustee Act, 1893 -	Repealed (E.) (Jan. 1, 1926) with retrospective amdts.	19, ss. 69, 70, 71 (2) (3), Schs. 1, 2.
		S. 44 repealed (E.) (Jan. 1, 1926).	20, ss. 207, 209 (2) (3), Sch. 7.
c. 66 -	Rules Publication Act, 1893.	S. 1 extended - - -	(E.) 16, s. 5 (4). (S.) 17, s. 5 (4).
		S. 1 excluded (Supreme Ct. rules).	(E.) 49, s. 99 (5).
		S. 1 excluded (silicosis schemes).	84, s. 47 (5).
c. 68 -	Isolation Hospitals Act, 1893.	S. 13 extended - -	71, s. 63 (1).
c. 69 -	Savings Bank Act, 1893.	Sch. 1 extended - -	34, s. 2 (4).
c. 73 -	Local Government Act, 1894.	Ss. 6 (2) repealed, 63 made applicable.	14, ss. 23 (4), 52 (3), 73 (4), 136, Sch. 6.
		Ss. 57–8 applied - -	16, s. 2 (1) (ii).
		Ss. 5 (1) and (2) (*a*), 6 (1) (*c*) (i), 19 (5) in part, 33 (1) in part, 34, 50, 81 (3), Sch. 1 in part, repealed; ss. 46 (1), 56 (1), 68 ext.; 58 (5) excluded; (prosp.) (E. except London).	90, ss. 1 (3), 60 (3), 69, 70 (1), Schs. 1 [12], 7 [1 (2)], 8.
57 & 58 Vict.:			
c. 10 -	Trustee Act, 1893, Amendment Act, 1894.	Ss. 1, 4 repealed (E.) (Jan. 1, 1926).	19, ss. 70, 71 (2) (3), Sch. 2.
		S. 3 repealed (E.) (Jan. 1, 1926).	20, ss. 207, 209 (2) (3), Sch. 7.
c. 16 -	Supreme Court of Judicature (Procedure) Act, 1894.	Reference to Lis Pendens Act, 1867, in Sch. repealed (Jan. 1, 1926).	22, ss. 24, 26 (2), Sch.
		S. 5, Sch. repealed (Oct. 1, 1925).	28, s. 29, Sch. 5.
		Act repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 30 -	Finance Act, 1894	S. 16 (4) as to resealing in England of Irish grants where death after March, 1923, repealed (Jan. 1, 1926).	49, ss. 169 (2), 226, 227 (2), Sch. 6.
c. 46 -	Copyhold Act, 1894	S. 94 definition of "tenant" repealed.	5, ss. 1, 12 (3) Sch. 1.
c. 55 -	Housing of the Working Classes Act, 1894.	Repealed - -	(E.) 14, ss. 136, 137 (2) (3), Sch. 6; (S.) 15, ss. 120, 121 (2) (3), Sch. 6.
c. 57 -	Diseases of Animals Act, 1894.	Ss. 19, 72 affected - -	63, ss. 1 (1), 2 (2).
c. 58 -	Local Government (Scotland) Act, 1894.	S. 24 (6) repealed - -	15, s. 120, Sch. 6.
		S. 30 (6) applied - -	33, s. 32 (1) (4).
		Temporary exclusion of s. 38 (by 11 & 12 Geo. 5. c. 64. s. 2 (4)) continued.	35.

Statute and Chapter.	Subject or Short Title.	How affected.	Chaper of 15 & 16 Geo. 5.
57 & 58 Vict.			
c. 60 -	Merchant Shipping Act, 1894.	Power to exclude as to certain ships, *see*—	37.
		S. 158 amended - -	42, s. 1.
		Ss. 547 saved, 547 (2) (3) and 565 as to High Court in England repealed (Jan. 1, 1926).	49, ss. 22 (1) (*a*) (*v*), 226, 227 (2) Sch. 6.
		Ss. 174 (2) (3), 691–2, 695 applied, s. 503 excluded.	84, ss. 35 (1) (*d*) (*g*) (*h*), 39 (4).
		S. 680 excluded (E.) -	86, s. 30.
58 & 59 Vict. c. 39.	Summary Jurisdiction (Married Women) Act, 1895.	S. 11 from "rules of court" repealed (Oct. 1, 1925).	28, s. 29, Sch. 5.
		S. 4, from "and shall by "such cruelty" to "apart "from him" repealed; proviso added to s. 7.	50, ss. 1 (1), 2 (1).
59 & 60 Vict.:			
c. 15 -	Diseases of Animals Act, 1896.	S. 1 (1) extended - -	30, s. 1 (1) (2).
c. 16 -	Agricultural Rates Act, 1896.	S. 5 in part, defn. of "rateable value" in s. 9 repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 25 -	Friendly Societies Act, 1896.	Ss. 47–50 saved as to land (E.).	20, s. 7 (3).
		Ss. 8 (1) proviso, 16, 41 excluded.	84, s. 31 (8).
c. 35 -	Judicial Trustees Act, 1896.	S. 3 repealed (Jan. 1, 1926)	19, ss. 70, 71 (2), Sch.
c. 47 -	Land Law (Ireland) Act, 1896.	Ss. 35 amended, 32 (2) saved.	34, ss. 12 (1), 13 (*a*), 32 (1).
c. 51 -	Vexatious Actions Act, 1896.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 59 -	Baths and Washhouses Act, 1896.	Ss. 2 proviso (*b*), 3 "with "fourteen days' previous "notice," repealed; s. 2 (*a*) (*c*) saved.	71, ss. 2 (5), 9 (2), 87 (3), Sch. 5, pt. II.
60 & 61 Vict.:			
c. 38 -	Public Health (Scotland) Act, 1897.	Ss. 7–10, 72, 83, 141, 144, 146, 183–7 applied.	15, ss. 19, 24, 50, 68 (2), 84, 93, 96 (2).
		Ss. 7–10, 144 applied -	17, ss. 8 (2), 17 (2).
		Ext. (insulin) - - -	75.
c. 65 -	Land Transfer Act, 1897.	Part I. (ss. 1–5) and other provisions repealed (Jan. 1, 1926).	5, ss. 1, 12 (3), Sch. 1.
		Act, except Part I., repealed (Jan. 1, 1926.).	21, ss. 147, 148 (2), Sch.
61 & 62 Vict.:			
c. 48 -	Benefices Act, 1898	Saved - - - -	20, s. 201 (2).
c. 55 -	Universities and College Estates Act, 1898.	Repealed (Jan. 1, 1926) -	24, ss. 42, 45 (2), Sch. 2.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
61 & 62 Vict. c. 57.	Elementary School Teachers (Superannuation) Act, 1898.	S. 1 (1) repealed (April 1, 1926), Act excluded.	59, ss. 16, 23 (2) (3), Sch. 1 (13).
62 & 63 Vict.:			
c. 6 -	Supreme Court of Judicature Act, 1899.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 14 -	London Government Act, 1889.	S. 26 extended - -	11, ss. 2, 3.
		Sch. 2, pt. II, as to Housing Act of 1890 repealed.	14, s. 136, Sch. 6.
c. 22 -	Summary Jurisdiction Act, 1899.	S. 1 and Sch. repealed (June 1, 1926).	86, s. 49 (4) (5), Sch. 3.
c. 29 -	Baths and Washhouses Act, 1899.	S. 2 proviso (*b*) repealed: s. 2 (*a*) (*c*) saved.	71, ss. 9 (2), 87 (3), Sch. 5, pt. II.
c. 39 -	Isle of Man (Customs) Act, 1899.	Ss. 1 (1) (3), 2 temporarily replaced.	56, s. 8.
c. 44 -	Small Dwellings Acquisition Act, 1899.	Effect of Law of Property Act, 1922, *see*	5, s. 9, Sch. 9.
c. 46 -	Improvement of Land Act, 1899.	S. 1 (3) proviso repealed (G.B.).	48, s. 1.
63 & 64 Vict.:			
c. 20 -	Ecclesiastical Assessments (Scotland) Act, 1900.	S. 3 amended - - -	33, s. 28 (6).
c. 26 -	Land Charges Act, 1900.	S. 2 (1) (2) repealed (Jan. 1, 1926).	20, ss. 207, 209 (2), Sch. 7.
		Act repealed (Jan. 1, 1926)	22, ss. 24, 26 (2), Sch.
c. 59 -	Housing of the Working Classes Act, 1900.	Repealed so far as unrepealed.	(E.) 14, s. 136, Sch. 6; (S.) 15, s. 120, Sch. 6.
2 Edw. 7:			
c. 28 -	Licensing Act, 1902	S. 5 ("habitual drunkard") extended (E.).	50, s. 3.
c. 31 -	Supreme Court of Judicature Act, 1902.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 41 -	Metropolis Water Act, 1902.	S. 17 (4) superseded (E.) -	19, s. 1 (1) (*f*).
3 Edw. 7:			
c. 36 -	Motor Car Act, 1903.	Extended (E.) - -	86, s. 40 (3) (5).
c. 37 -	Irish Land Act, 1903.	Ss. 54 (3) repealed, 24, 36, 45, 47–9, 54 amended, 99 saved, 13, 16, 18 (2) extended, 9, 27 excluded, 13 (4), 15 (2) (3) applied.	34, ss. 1 (1), 3–5, 8 (1), 11 (2), 13 (*a*), 15 (1), 16 (1) (3), 30 (1) (2), 32 (7), Sch. 2.
c. 39 -	Housing of the Working Classes Act, 1903.	Repealed - - -	(E.) 14, s. 136, Sch. 6. (S.) 15, s. 120, Sch. 6.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
4 Edw. 7 :			
c. 15 -	Prevention of Cruelty to Children, 1904.	S. 24 repealed (E.) (June 1, 1926).	86, s. 49 (4) (5), Sch. 3.
c. 21 -	Capital Expenditure (Money) Act, 1904.	Extended - - -	65, s. 1 (4).
c. 24 -	Wireless Telegraphy Act, 1904.	Ss. 1 (7), 2 ("transmission" and "rent or royalty") explained.	67.
6 Edw. 7 :			
c. 8 -	Finance Act, 1906	S. 7 (2) repealed - -	41, s. 2 (2).
c. 55 -	Public Trustee Act, 1906.	S. 4 (3) extended (trust corporations).	18, s. 117 (1) (xxx) : 19, s. 68 (18) : 20, s. 205 (1) (xxviii) : 23, s. 55 (1) (xxvi).
c. 58 -	Workmen's Compensation Act, 1906.	Repealed, except as to N.I. (May 1, 1926).	84, s. 50, Sch. 4.
7 Edw. 7 :			
c. 9 -	Territorial and Reserve Forces Act, 1907.	Ss. 7 (2), 33 amended -	25, s. 17 (2) (*c*) (*d*).
c. 12 -	Matrimonial Causes Act, 1907.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 17 -	Probation of Offenders Act, 1907.	Extended, ss. 1 (3) substituted, 3 repealed, 6 am., (E.) (July 1, 1926).	86, ss. 7 (2)–(6), 10, 49 (4) (5), Sch. 3.
c. 18 -	Married Women's Property Act, 1907.	S. 1 repealed (E.) (Jan. 1, 1926).	20, ss. 207, 209 (2) (3), Sch. 7.
c. 23 -	Criminal Appeal Act, 1907.	S. 20 (3) repealed (Jan. 1, 1926). Ss. 1 (6) am., 18 ext. (June 1, 1926).	49, ss. 226, 227 (2), Sch. 6. 86, ss. 16, 49 (5).
c. 27 -	Advertisements Regulation Act, 1907.	Amended - - - -	52, s. 1.
c. 47 -	Deceased Wife's Sister's Marriage Act, 1907.	S. 3 repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 51 -	Sheriff Courts (Scotland) Act, 1907.	S. 50 extended - -	84, s. 49 (1).
c. 53 -	Public Health Acts Amdt. Act, 1907.	Ss. 79 and virt. 76 (3) repealed, 21 (*prosp.*) virt. repealed, 25, 76 ext., 4, 5 (1) (2), 6, 7, 10–2 and in pt. 9 and 13 applied, 7 excluded, 12 saved.	71, ss. 2 (3), 7, 9 (2), 10, 18 (5), 20, 32, 56, 74, Schs. 4, 5, pt. II.
c. 55 -	London Cab and Stage Carriage Act, 1907.	S. 2, as to abolition of privileged cab system, made permanent.	76, s. 1, Sch. 1, pt. I.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
8 Edw. 7. :			
c. 36 -	Small Holdings and Allotments Act, 1908.	S. 40 (4) (5) repealed (Jan. 1, 1926).	18, ss. 119, 120 (2), Sch. 5.
		Ss. 12 (4) in part and 13 repealed (Jan. 1, 1926).	21, ss. 100, 147, 148 (2), Sch.
		Ss. 32 excluded, 59 extended	61, ss. 8, 13.
c. 40 -	Old Age Pensions Act, 1908.	Extended, s. 3 re-enacted -	70, ss. 20, 21 (2), 24 (4) (5), 28 (4), 40, 44 (1) (6), Sch. 3.
c. 41 -	Assizes and Quarter Sessions Act, 1908.	S. 1 (4) and references to assizes, &c., in ss. 1 (1) (3) (5), 2 and 4 repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
		Applied, s. 3 repealed (June 1, 1926).	86, ss. 19 (1), 49 (4) (5), Sch. 3.
c. 47 -	Lunacy Act, 1908	S. 4 repealed (Oct. 1, 1925)	28, s. 29, Sch. 5.
c. 48 -	Post Office Act, 1908.	Trial of offences under ss. 50–6 varied, s. 72 (1) in part repealed (E.).	86, ss. 18, 24, 49 (4) (5), Schs. 1–3.
c. 51 -	Appellate Jurisdiction Act, 1908.	S. 6 repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 59 -	Prevention of Crimes Act, 1908.	Extended (E.) - - -	86, s. 46 (2).
c. 63 -	Education (Scotland) Act, 1908.	S. 3 (3) proviso added, new s. 3 (4) substituted.	89, ss. 4, 5
c. 67 -	Children Act, 1908	S. 21 extended - - -	70, s. 6 (1).
		Sch. 1 (bodily injury to child or young person) explained, s. 128 (2) and Sch. 2 repealed (E.) (June 1, 1926).	86, ss. 48, 49 (4) (5), Sch. 3.
c. 69 -	Companies (Consolidation) Act, 1908.	S. 238 (1), the words " and fees " as to High Court, E., repealed (Oct. 1, 1925).	28, s. 29, Sch. 5.
		S. 237 saved - - -	49, s. 99 (6).
		S. 209 (1) extended -	70, s. 10 (1).
		Ss. 107, 209 (1) (*d*) extended.	84, s. 7 (3).
9 Edw. 7 :			
c. 10 -	Superannuation Act, 1909.	Ss. 2, 3, 6 (2) excluded -	49, s. 128 (1) (*b*).
c. 11 -	Judicature (Rule Committee) Act, 1909.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 16 -	Workmen's Compensation (Anglo-French Convention) Act, 1909.	Repealed (E. S.) (May 1, 1926).	84, ss. 37, 50, Sch. 4.
c. 42 -	Irish Land Act, 1909.	Excluded, s. 16 virt. repealed.	34, ss. 3 (2), 24.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
9 Edw. 7 :			
c. 44 -	Housing, Town Planning, &c., Act, 1909.	*England.*	
		Part I (except s. 7); s. 69 (1), Part IV. (except as to town planning), Schs. 1, 2, 6, and in s. 6 (2) (3) (? (3) (4)) " the clerk or " and " clerk or " repealed.	14, s. 136, Sch. 6.
		Parts II, IV (as to town planning), Schs. 4, 5 repealed.	16, s. 21, Sch. 4.
		S. 7 repealed - - -	18, s. 119, Sch. 5.
		Scotland.	
		Parts I, IV (except as to town planning), Sch. 1 (saved as applied by unrepealed enactments), 2, 3, 6 repealed.	15, s. 120. Sch. 6.
		Parts II, IV (as to town planning), Schs. 4, 5 repealed.	17, s. 21, Sch. 4.
c. 47 -	Development and Road Improvement Funds Act, 1909.	Ss. 8 (1) (*a*) (5) extended, 9 applied.	68, ss. 2, 3, 4 (8), 12.
10 Edw. 7 & 1 Geo. 5. c. 12.	Supreme Court of Judicature Act, 1910.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
1 & 2 Geo. 5 :			
c. 6 -	Perjury Act, 1911	S. 5 (*a*) applied - -	23, s. 36 (6).
		Ss. 3, 4 (1) (ii), and provisions as to trial of certain offences, am. (June 1, 1926).	86, ss. 18, 24, 28, Schs. 1, 2.
c. 11 -	Poultry Act, 1911	Birds within Act excluded	31, s. 2 (2).
c. 26 -	Telephone Transfer Act, 1911.	S. 5 extended - - -	65, s. 1 (5).
c. 37 -	Conveyancing Act, 1911.	S. 12 as to deaths after 1925 repealed (E.).	5, ss. 1, 12 (3) (4), Sch. 1; and 20, s. 207, 209 (2) (3), Sch. 7.
		S. 14 repealed (E.) (Jan. 1, 1926).	18, ss. 119, 120 (2) (3), Sch. 5.
		S. 8 repealed (E.) (Jan. 1, 1926).	19, ss. 70, 71 (2) (3), Sch. 2.
		Act, except ss. 8, 14, and with saving as above for s. 12, repealed (E.) (Jan. 1, 1926).	20, ss. 207, 209 (2) (3), Sch. 7.
c. 40 -	Lunacy Act, 1911	S. 1 repealed (Jan. 1, 1926)	19, ss. 70, 71 (2), Sch.
c. 46 -	Copyright Act, 1911.	S. 15 amended* - -	73, s. 5.
c. 50 -	Coal Mines Act, 1911.	S. 110 repealed except as to N.I. (May 1, 1926).	84, ss. 34, 50, Sch. 4.
c. 55 -	National Insurance Act, 1911.	S. 64 (3) applied (joint issue of housing bonds) (S.).	15, s. 71 (3).
c. 57 -	Maritime Conventions Act, 1911.	S. 5 as to High Court repealed (E.) (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.

* As from Oct. 26, 1925. *See* S. R. & O. 1925, No. 1026.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
3 & 4 Geo. 5:			
c. 20 -	Bankruptcy (Scotland) Act, 1913.	S. 118 extended - -	84, s. 7 (3).
c. 21 -	Appellate Jurisdiction Act, 1913.	S. 2 repealed (Jan. 1, 1926)	49, ss. 226, 227 (2), Sch. 6.
c. 27 -	Forgery Act, 1913	Ss. 14 repealed, 1 (2), 13, 18 (1), and provisions as to trial of certain offences am., 1, 18 (1) ext. (E.) (June 1, 1926).	86, ss. 18, 24, 35–6, 38 (4), 49 (4) (5), Schs. 1–3.
c. 28 -	Mental Deficiency Act, 1913.	S. 7 amended - - -	53.
4 & 5 Geo. 5:			
c. 33 -	Public Works Loans Act, 1914.	S. 4 repealed - - -	(E.) 14, s. 136, Sch. 6. (S.) 15, s. 120, Sch. 6.
c. 47 -	Deeds of Arrangement Act, 1914.	S. 18 repealed (Jan. 1, 1926)	19, ss. 70, 71 (2) Sch.
		Ss. 4, 6 (*c*), 28 repealed, 5 (1), 13 (4), 27, 29, 30 amended, 26 (2) restricted (Oct. 1, 1925).	28, ss. 22, 29 (4) (5), Sch. 5.
c. 58 -	Criminal Justice Admin. Act, 1914.	S. 5 saved - - -	14, s. 68 (4).
		Ss. 15 (1), 18 " or on a plea of guilty," 40 (1) (*b*) repealed, 10 (1) (2) (5) am., 29 ext. (E.).	86, ss. 31 (4), 46 (1), 49 (4) (5), Sch. 3.
c. 59 -	Bankruptcy Act, 1914.	S. 54 saved - - -	20, s. 52 (2), (*b*).
		Ss. 47 saved, 54 extended	21, ss. 42 (2). 61 (8).
		S. 132 extended - -	22, s. 19 (2).
		S. 130 prosp. repealed (but *see below*).	23, s. 56, Sch. 2, pt. I.
		S. 132 saved - - -	49, s. 99 (6).
		S. 130 continued permanently.	76, s. 1 (2), Sch. I, pt. II.
		S. 33 extended - - -	84, s. 7 (3).
c. 86 -	Superannuation Act, 1914.	S. 2 excluded - - -	49, s. 128 (1) (*b*).
5 & 6 Geo. 5:			
c. 61 (as amended).	Government of India Act.	Ss. 67A (3) (iii) (iv) and 72D (3) (iv) (v) substituted and proviso added, 96B (5) added, 97 (6) amended.	83.
c. 89 -	Finance (No. 2) Act, 1915.	Sch. I, pt. III. new para. 3 substituted.	12, s. 4 (2), Sch. 3.
		Ss. 11 continued, 13 (1) (3)–(6) re-enacted.	36, ss. 2, 3 (2), Sch. 1.
		S. 4 restricted - - -	49, s. 169 (4) (5).
		S. 13 (5) applied and re-enacted (*temp.*).	79, s. 1 (4), Sch. 2.
c. 90 -	Indictments Act, 1915.	Applied - - - -	86, ss. 19 (4), 33 (4).

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
6 & 7 Geo. 5:			
c. 8 -	Imperial Institute Management Act, 1916.	Repealed - - - -	xvii, s. 1.
c. 12 -	Local Government (Emergency Provisions) Act, 1916.	Ss. 5 (except (*d*)), 7, 12, 13 (1)–(3), 14, 21, 22 (except (3)), 24 (1) made permanent ; residue in part continued temp.	76, s. 1, Sch. 1, pt. I., Sch. 2, pt. I.
c. 50 -	Larceny Act, 1916	Ss. 39 (1) repealed, 38 (1) (*b*) am., certain offences made triable at quarter sessions and summarily (E.).	86, ss. 18, 24, 49 (4) (5), Schs. 1–3.
7 & 8 Geo. 5 c. 67.	Non-Ferrous Metal Industry Act, 1918.	Repealed (prospectively)*-	43, ss. 1, 2 (3), Sch. 2.
—	Air Force Act -	S. 6 (1) (*e*) (*f*) (*j*), Sch. 3, omitted, new ss. 6 (2) (*c*) (*d*) (*e*), 46 (2) (*e*) (twice), 112 (7), 163 (1) (*m*), 190 (40A) added, ss. 18 (2), 44 (6), 46 (9), 113 (1)–(4), 115 (4), Sch. 6 (3) substituted, ss. 8 (1), 9 (1), 18 (1) (4), 46 (2) (*b*) (7) (8), 47 (1) (5), 57 (1) (2), 87, 108A, 137 (4), 138 (1) and proviso (*c*), 175 (10), 181 (4), amended, 71 (1) proviso repealed.	25, ss. 4–15, 18–21, Sch. 2.
8 & 9 Geo. 5:			
c. 8 -	Workmen's Compensation (Illegal Employment) Act, 1918.	Repealed except as to N.I. (May 1, 1926) - -	84, s. 50, Sch. 4.
c. 14 -	Workmen's Compensation (Silicosis) Act, 1918.	Repealed except as to N.I. (May 1, 1926).	84, s. 50, Sch. 4.
c. 31 -	Trading with the Enemy Amendment Act, 1918.	S. 2 repealed (prospectively).*	43, ss. 1, 2 (3), Sch. 2.
c. 40 -	Income Tax Act, 1918.	Ss. 27–30, Sch. 6, para. XVII, Sch. D rules 6–7 of Cases I and II applied, rule 2 (1) amended : ss. 40, 105 (1) (*b*) (as am.) amended : rule 10 of General Rules restricted.	36, ss. 15 (3) (4), 16, 17 (4), 18, 19 (1) (4).
c. 41 -	Isle of Man (Customs) Act, 1918.	S. 2, Sch., pt. I, continued as to tobacco.	56, s. 1.
c. 48 -	Education (S.) Act, 1918.	S. 18 (9) and Sch. 2 para. 8 amended, new s. 3 (2) substituted.	89, ss. 1–3.
c. 54 -	Tithe Act, 1918 -	Ss. 4, 6 — *see* - - -	22, ss. 10 (1) A (iv), 20, Sch.
		Ss. 1 (1) cont. and prosp. repealed, 1 (2) repealed, 2, 4 (2) in part, Sch. 1 (1) (3) prosp. repealed, s. 4 (2) am., Sch. 1 (2) am. and excluded.	87, ss. 20, 23, 25–6, Sch. 2.

* As from Sept. 8, 1925 : *see* S. R. & O. 1925, No. 934.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
8 & 9 Geo. 5 c. 55.	School Teachers (Superannuation) Act, 1918.	Ss. 6–14, 16 applied as set out in Sch., 18 (vi) (viii) substituted.	59, ss. 16, 20, (2) (3), Sch. 1.
9 & 10Geo.5 : c. 17 -	Education (S.) (Superannuation)Act, 1919.	Ss. 7, 8 applied - - -	55, ss. 3 (2), 8, 9.
c. 26 -	Grant of Administration (Bonds) Act, 1919.	Repealed (Oct. 1, 1925) -	28, s. 29, Sch. 5.
c. 30 -	Official Solicitor Act, 1919.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6.
c. 32 -	Finance Act, 1919	Ss. 19 extended, 9, Sch. 2 amended, Sch. 3 new scale substituted.	36, ss. 8, 9, 22–3, 26, Schs. 3, 4.
		S. 8 (1) (2) applied - -	56, ss. 5 (2). 6 (7), 7 (2), 9 (2).
		Sch. 2 applied (*temp.*) -	79, s. 1 (2).
c. 35 -	Housing, Town Planning, &c., Act, 1919.	Part I (ss. 1–41) except ss. 7, 19, 23, 25, 31, 36, and 24 (4), 40 so far as required for interpretation of unrepealed provisions, and Schs. 1, 2, 5 repealed.	14, s. 136, Sch. 6.
		Part II (ss. 42–8) and Sch. 3 repealed.	16, s. 21, Sch. 4.
		S. 31 repealed - - -	18, s. 119, Sch. 5.
c. 50 -	Ministry of Transport Act, 1919.	S. 3 (1) (*e*) continued as to canals, &c.	2 and 76.
c. 57 -	Acquisition of Land (Assessment of Compensation) Act, 1919.	Act applied to housing and s. 7 in part repealed.	(E.) 14, ss. 45–6, 136, Schs. 1, 6. (S). 15, ss. 36–7, 120, Schs. 1, 6.
		Act applied to town planning	(E.) 16, s. 10 (4). (S.) 17, s. 10 (4).
		Act applied to street works, &c.	(E.) 71, ss. 31 (2), 33 (7).
		S. 1 applied (E.) - -	20, s. 84 (4) (10).
c. 59 -	Land Settlement (Facilities) Act, 1919.	S. 29 repealed (Jan. 1, 1926)	18, ss. 119, 120 (2), Sch. 5.
		New s. 27 substituted -	85.
c. 60 -	Housing, Town Planning, &c. (S.) Act, 1919.	Part I (ss. 1–31) except ss. 5, 7, 16, 20, 22–3, 31 so far as required for interpretation of unrepealed provisions, 41–2, 44–5, 49, and Schs. 1, 2, 4 repealed.	15, s. 120, Sch. 6.
		Part II (ss. 32–8) and Sch. 3 repealed.	17, s. 21, Sch. 4.
c. 73 -	County Courts Act, 1919.	S. 11 (1) (ii) substituted -	28, s. 20.
		Ss. 25–6 repealed (May 1, 1926).	84, s. 50, Sch. 4.
c. 74 -	Isle of Man (Customs) Act, 1919.	Sch. 2 amended (tobacco and wine), s. 5 applied.	56, ss. 1, 8 (3).
c. 92 -	Aliens Restriction (Amdt.) Act, 1919.	S. 5 "other than former "enemy aliens" and s. 12 repealed (prospectively*)	43, ss. 1, 2 (3), Sch. 2.

* As from Sept. 8, 1925. *See* S. R. & O. 1925, No. 934.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
9 & 10 Geo. 5.:			
c. 99 -	Housing (Additional Powers) Act, 1919.	Act, except ss. 8–11 and 15, repealed (E).	14, s. 136, Sch. 6.
		Act, except ss. 8, 10, 15 and so far as relating to unrepealed provisions 11 and 13, repealed (S.).	15, s. 120, Sch. 6.
		S. 10 repealed (E. and S.) -	16, s. 21, Sch. 4. 17, s. 21, Sch. 4.
		S. 9 repealed (E.) - -	19, s. 70, Sch. 2.
c. 101 -	Government of India Act, 1919.	S. 45 (2) applied - -	83, s. 4 (2).
10 & 11 Geo. 5:			
c. 17 -	Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	Excluded - - - -	14, s. 128.
		Act continued - - -	32.
		S. 16 (1) repealed prosp. (E. except London).	90, ss. 69, 70 (1), Sch. 8.
c. 18 -	Finance Act, 1920	S. 16 repealed - - -	36, ss. 15 (1) (3), 28 (6), Sch. 5.
c. 22 -	Ecclesiastical Tithe Rentcharge (Rates) Act, 1922.	Cont. and prosp. repealed -	87, ss. 25–6, Sch. 2.
c. 30 -	Unemployment Insurance Act, 1920.	Ss. 35 (3) applied, 15–6 and (*temp.*) (as amended) 17 (1) (*a*) excluded, 5, Sch. 3 amended.	69, ss. 4, 5 (1), Schs. 1, 2.
		Act amended, s. 31 extended, benefit restricted after 65.	70, ss. 10 (1), 37 (1), 39, 44 (1) (8).
c. 46 -	Dangerous Drugs Act, 1920.	Ss. 1–3 extended, 2 (1) in part repealed, 8 (1) and 15 (1) as to medicinal opium substituted, power to exclude part. III (prospective).	74, ss. 1–5, 7 (3).
c. 50 -	Mining Industry Act, 1920.	S. 20 (2) ext., (3) am. -	80.
c. 51 -	Duchy of Lancaster Act, 1920.	S. 3 (3) "personal estate" to include real estate.	23, s. 30 (4).
c. 54 -	Seeds Act, 1920 -	S. 11 (3) added (E. S.) -	66.
c. 61 -	Public Works Loans Act, 1920.	S. 1 expires March 31, 1926, *see* now—	62, s. 1.
c. 63 -	Married Women (Maintenance) Act, 1920.	Amended - - - -	50.
c. 65 -	Employment of Women, Young Persons, &c., Act, 1920.	S. 2 temp. continued -	76.
c. 67 -	Government of Ireland Act, 1920.	S. 1 (2) (area of N.I.) confirmed; in ss. 7, 10, Sch. 1 powers of Council of Ireland transferred to Govt. of N.I.; s. 2 and references to Council of Ireland repealed.	77, s. 1 (1) (2), Sch. [5].

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
10 & 11 Geo. 5:			
c. 71 -	Housing (S.) Act, 1920.	Act, except ss. 7, 9 and in part 8, repealed.	15, s. 120, Sch. 6.
		Residue of s. 8 repealed -	17, s. 21, Sch. 4.
c. 74 -	British Empire Exhibition (Guarantee) Act, 1920.	Extended - -	26.
c. 76 -	Agriculture Act, 1920.	S. 32 repealed - - -	(E.) 14, s. 136, Sch. 6. (S.) 15, s. 120, Sch. 6.
c. 81 -	Administration of Justice Act, 1920.	S. 17 repealed (Jan. 1, 1926)	23, ss. 56, 58 (2), Sch. 2, pt. II.
		Ss. 2, 3 (1) and 18 repealed (Oct. 1, 1925).	28, s. 29, Sch. 5.
		Ss. 1, 5, 6, 7, 8, 19, 20, and, as to High Court, s. 15 repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
11 & 12 Geo. 5:			
c. 19 -	Housing Act, 1921	Ss. 2–4, 9, 5 except as to Small Dwellings Acquisition Act, 1899, and 6 in part, repealed.	14, s. 136, Sch. 6.
		S. 7 and residue of s. 6 repealed.	16, s. 21, Sch. 4.
c. 20 -	Tithe Annuities Apportionment Act, 1921.	S. 2 repealed - - -	18, s. 119, Sch. 5.
		S. 1 (4), *see* - - -	22, ss. 10 (1), A (v), 20, Sch.
c. 24 -	Deceased Brother's Widow's Marriage Act, 1921.	S. 1 (2) repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 33 -	Housing (S.) Act, 1921.	Repealed - - - -	15, s. 120, Sch. 6.
c. 39 -	Admiralty Pensions Act, 1921.	S. 3 virt. repealed - -	88.
c. 40 -	Isle of Man (Customs) Act, 1921.	S. 3, Sch. (spirits) continued.	56, s. 3.
c. 47 -	Safeguarding of Industries Act, 1921.	S. 13 applied and re-enacted (*temp.*).	79, s. 1 (4), Sch. 2.
c. 51 -	Education Act, 1921	S. 114 saved - - -	14, s. 65.
c. 55 -	Railways Act, 1921	S. 15 reference to Trustee Act, 1893, repealed (E.) (Jan. 1, 1926).	19, ss. 70, 71 (2) (3), Sch.
c. 56 -	Supreme Court Officers (Retirement, Pensions, &c.) Act, 1921.	Repealed (Jan. 1, 1926) -	49, ss. 226, 227 (2), Sch. 6
c. 64 -	Poor Law Emergency Provisions (Scotland) Act, 1921.	Continued to May 15, 1927, as modified.	35.

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c. 66 -	National Health Insurance (Prolongation of Insurance) Act, 1921.	Applicable (with modifications) under regulations.	70, s. 30 (1) (*g*) (2).
12 & 13 Geo. 5 :			
c. 7 -	Unemployment Insurance Act, 1922.	S. 2, Sch. 1 repealed - -	69, s. 5 (3), Sch. 3.
c. 16 -	Law of Property Act, 1922.	S. 191 (2) am. (Act brought into force Jan. 1, 1926).	4.
		Ss. 139 (1) (viii). 142, Schs. 12, 13, pt. II, 15 am., 142A, 144A added (Jan. 1, 1926).	5, ss. 2, 12 (3), Sch. 2.
		Ss. 3 and 4, 10 and 13 in part 7 (4), para. 1, ss. 12, 26, 28 (2), 35–42, Part II (ss. 35–71) except as to universities and college estates and as respects s. 43 except as to glebes, s. 86, Sch. 1, pt. II, and Sch. 3 in part, Schs. 5 and paras. 1, 3, 4 (1) (3) (4) of Sch. 6, Sch. 9, forms 1–4 and in part 8, Sch. 10 repealed. Powers under Part VI. extended to tenant for life (Jan. 1, 1926).	18, ss. 62 (3), 117 (1) (xiv), 119, 120 (2), Sch. 5 (Settled Land Act).
		Ss. 83 (4), 88, Part IV (ss. 109–127) except ss. 110 (7), 113 (3), 123 (5), repealed (Jan. 1, 1926).	19, ss. 70, 71 (2), Sch. 2 (Trustee Act).
		Part I (ss. 1–34) except ss. 4, 10, 12, 13, 26 and 28 (2) as already repealed above, and except ss. 14 and 16, Part III (ss. 72–108) except ss. 83 (4), 86 and 88 (already repealed above), ss. 113 (3), 123 (5), 138 (10), 146, 152, 156 (13), 158 (1) last para., residue of Schs. 1 and 3, Schs. 2 and 4, para. 1 (3) of Sch. 5, residue of Sch. 6 except para. 5 (2) (3), Sch. 8, residue of Sch. 9, Sch. 11 and para. 7 (3) of Sch. 15 repealed, s. 133 amended (Jan. 1, 1926).	20, ss. 39, 149 (6), 202, 207, 209 (2), Schs. 1, 7 (Law of Property Act).
		Ss. 158 (8) (10), 160 (8), Part X (ss. 164–187), Sch. 1, pt. I (7), Sch. 16 repealed (Jan. 1, 1926).	21, ss. 147, 148 (2), Sch. (Land Registration Act).
		Ss. 14, 16, Sch. 7 repealed, Sch. 12 (6) modified (Jan. 1, 1926).	22, ss. 10 (1) A (vi), 20, 24, 26 (2), Sch. (Land Charges Act).

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
12 & 13 Geo. 5:			
c. 16		Ss. 110 (7), Part VIII (ss. 147–154) except s. 152 (already repealed), Part X (ss. 155–163) except s. 156 (13) (already repealed), residue of Sch. 6, repealed (Jan. 1, 1926).	23, ss. 56, 58 (2), Sch. 2, pt. II. (Admin. of Estates Act).
		Part II (ss. 35–71) and Sch. 10 as to universities and college estates, repealed (Jan. 1, 1926).	24, ss. 44, 45 (2), Sch. 2 (Univ. and College Estates Act).
		S. 156 (9) from "and for "dispensing" repealed (Oct. 1, 1926).	28, s. 29, Sch. 5.
c. 17	Finance Act, 1922	S. 6 repealed - - -	12, ss. 4 (1), 6 (4).
		Ss. 12 re-enacted, 18 (3) amended.	36, ss. 3 (2), 18, Sch. 1.
c. 22	Summer Time Act, 1922.	Act made permanent, s. 3 (1) amended, (3) repealed.	64.
c. 33	Public Works Loans Act, 1922.	S. 4 repealed - - -	(E.) 14, s. 136, Sch. 6. (S.) 15, s. 120, Sch. 6.
c. 48	Education (S.) (Superannuation) Act, 1922.	Act continued - - -	55, s. 1.
c. 51	Allotments Act, 1922.	Ss. 10 (3) (*b*) substituted, 10 (4), 11, 14 (2) am., 14 (1), 17 (1) applied, 16 excluded, 17 (2) repealed.	61, ss. 4, 6, 7, 9 11–2.
c. 58	Ecclesiastical Tithe Rentcharge (Rates) Act, 1922.	Cont. and prosp. repealed -	87, ss. 25–6, Sch. 2.
c. 59	Local Government and other Officers' Superannuation Act, 1922.	Act made applicable, s. 27 excluded.	90, s. 51 (3).
c. 60	Lunacy Act, 1922	S. 2 (3)–(5) repealed (Jan. 1, 1926).	19, s. 70, Sch.
13 Geo. 5. (Sess. 2):			
c. 2	Irish Free State (Consequential Provisions) Act, 1922 (Sess. 2).	Sch. 1 [3], with saving as to railway charges, repealed.	77, s. 1 (1) (2), Sch. [5].
c. 4	Trade Facilities and Loans Guarantee Act, 1922 (Sess. 2).	S. 1 (1) and in part (2) virt. repealed.	13, s. 1.
c. 5	Importation of Animals Act, 1922 (Sess. 2).	S. 5 applied, sch. excluded	30, s. 1.
13 & 14 Geo. 5:			
c. 2	Unemployment Insurance Act, 1923.	Ss. 4 (2) ext., 4 (2) from "and the contribution to be made" and 11 (1) repealed.	69, ss. 4 (2), 5 (3), Sch. 3.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
13 & 14 Geo. 5.:			
c. 5 -	Dangerous Drugs and Poisons (Amdt.) Act, 1923.	S. 6 (2) extended prospectively.	74, ss. 6, 7 (3).
c. 6 -	Local Authorities (Emergency Provisions) Act, 1923.	S. 3 continued, proviso to s. 3 (*a*) virt. repealed.	35.
c. 9 -	Agricultural Holdings Act, 1923.	S. 21 repealed (Jan. 1, 1926).	18, ss. 119, 120 (2), Sch. 5.
		Ss. 20, 41—*see* - - -	22, ss. 10 (1) A (iii), 24.
		Sch. 2 applied as modified	85.
c. 10 -	Agricultural Holdings (Scotland) Act, 1923.	Sch. 2 in part applied -	33, s. 16, Sch. 6 (4).
c. 14 -	Finance Act, 1923 -	Ss. 9 re-enacted, 21 applied	36, ss. 3 (2), 21, Sch. 1.
c. 19 -	Matrimonial Causes Act, 1923.	Repealed (Jan. 1, 1926) -	49, ss. 176 (*b*), 226, 227 (2), Sch. 6.
c. 20 -	Mines (Working Facilities and Support) Act, 1920.	Part I am. - - -	91.
c. 24 -	Housing, &c., Act, 1923.	Ss. 5, 7–15, 17, Schs. 1, 2 (except as to ss. 59 and 69 of 1909 Act), repealed (E.).	14, s. 136, Sch. 6.
		Ss. 5, 7–13, 15, 17, 23 (1) (2) and (3) (except as to unrepealed provisions of Act), (4) (8)–(12) (14) (15) and (17), and Schs. 1, 2 (except as to s. 59 of 1909 Act) repealed (S.).	15, s. 120, Sch. 6.
		Part II (ss. 18–21) and Sch. 2 as to s. 59 of 1909 Act, repealed (E. and S.).	(E.) 16, s. 21, Sch. 4.
			(S.) 17, s. 21, Sch. 4.
c. 32 -	Rent and Mortgage Interest Restrictions Act, 1923.	Ss. 1, 2, 12, 17, 19 (*a*) amended, Part I continued, expiry of Part II postponed.	32.
c. 39 -	Agricultural Rates Act, 1923.	Continued (except s. 15) to March 31, 1927.	10 and 76.
		S. 15 cont. so long as rest of Act is in force.	10, s. 1 (2).
		S. 6 (2) from "and section 9," Sch. part II, substituted defn. of rateable value, repealed prosp. (E. except London).	90, ss. 22 (2), 69, 70 (1), Sch. 8.
c. 42 -	Workmen's Compensation Act, 1923.	Repealed except ss. 1, 6, 28–31 (May 1, 1926).	84, s. 50, Sch. 4.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
14 & 15 Geo. 5.:			
c. 5 -	Army and Air Force (Annual) Act, 1924.	S. 9 virt. repealed - -	25, ss. 7, 15.
c. 8 -	Trade Facilities Act, 1924.	S. 1 virt. repealed - -	13.
c. 9 -	Poor Law Emergency Provisions Continuance (S.) Act, 1924.	Continued - - -	35.
c. 10 -	N.H.I. (Cost of Medical Benefit) Act, 1924.	S. 3 temp. continued -	76.
c. 13 -	Education (S.) (Superannuation) Act, 1924.	Continued: s. 1 virt. repealed.	55, s. 1.
c. 17 -	County Courts Act, 1924.	S. 6 repealed (May 1, 1926)	84, s. 50, Sch. 4.
c. 21 -	Finance Act, 1924	S. 1 continued - - -	36, s. 1.
		S. 36 applied - - -	87, ss. 15, 26 (3).
c. 24 -	Isle of Man (Customs) Act, 1924.	S. 4 (cocoa) continued -	56, s. 4.
c. 30 -	Unemployment Insurance (No. 2) Act, 1924.	Ss. 1 (3), 3 (2), Sch. 1, Part I (1) amended, 5 repealed.	69, ss. 1–3, 5 (3), Sch. 3.
c. 35 -	Housing (Financial Provisions) Act, 1924.	S. 12 and Sch. 2 as to s. 5 of 1923 Act, repealed (E.).	14, s. 136, Sch. 6.
		Ss. 12, 16 (3) and Sch. 2 as to s. 5 of 1923 Act, repealed (S.).	15, s. 120, Sch. 6.
c. 38 -	Nat. Health Insurance Act, 1924.	S. 12 (2) repealed (Jan. 2, 1928); Sch. 2, Pt. I new Table substituted (except for purposes of s. 121 (2)); ss. 3 (3), 7 (3), 13 (8), 69 (3), 96 (2), 97 (2), 133 (*a*) amended; 3 (2) (3), 72 (1) (*d*), 97 (3) extended; 1, 66 (3), 89, 94–5, 101 applied; contributions and sickness and disablement benefit terminated after 65; Act otherwise am. and ext. subject to adaptations [in part prospectively].	70, ss. 2 (1), 10 (1), 13, 14 (1), 15 (3) (8), 16 (1), 17 (2), 29 (2), 31 (3), 32, 37–8, 44 (1) (8), 45 (6), 46 (2), Sch. 4.
		S. 54 temp. continued -	76.
c. 40 -	Workmen's Compensation (Silicosis) Act, 1924.	Repealed (May 1, 1926) except as to N.I.	84, s. 50, Sch. 4.

Statute and Chapter.	Subject or Short Title.	How affected.	Chapter of 15 & 16 Geo. 5.
15 & 16 Geo. 5 :			
c. 5 -	Law of Property (Amdt.) Act, 1925.	Repealed (Jan. 1, 1926) as below by consolidating Acts :—	
		S. 3, Sch. 3 (law of property).	20, ss. 207, 209 (2), Sch. 7.
		S. 4, Sch. 4 (settled land)	18, ss. 119, 120 (2), Sch. 5.
		S. 5, Sch. 5 (trustees) -	19, ss. 70, 71 (2), Sch. 2.
		S. 6, Sch. 6 (land charges)	22, ss. 24, 26 (2), Sch.
		S. 7, Sch. 7 (admin. of estates).	23, ss. 56, 58 (2), Sch. 2.
		S. 8, Sch. 8 (land registration).	21, ss. 147, 148 (2), Sch.
		S. 11, Sch. 11 (univ. and college estates).	24, ss. 44, 45 (2), Sch. 2.
c. 14 -	Housing Act, 1925	S. 90 applied - - -	16, s. 16 (4).
c. 15 -	Housing (Scotland) Act, 1925.	S. 68 applied - - -	17, s. 20 (3).
c. 18 -	Settled Land Act, 1925.	S. 59 (2) applied, Act in part applied.	21, *ss.* 40 (2), 91 (*1*).
c. 19 -	Trustee Act, 1925	Applied to vesting orders under :—	
		Settled Land Act - -	18, s. 113 (9).
		Law of Property Act -	20, ss. 9 (3) 136 (1).
		Admin. of Estates Act -	23, s. 44 (2).
		S. 34, and Act generally, applied to registered land.	21, ss. 47 (1), 95, 111 (6).
c. 20 -	Law of Property Act, 1925.	S. 62 applied, Act made applicable by rules to charges by sub-mortgage.	21, ss. 19 (3), 22 (3), 36, 38, 69 (3).
c. 23 -	Administration of Estates Act, 1925.	Ss. 4, 10–4, 16, 18–20 repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 28 -	Administration of Justice Act, 1925.	Ss. 1–18, 21, 24–6 and Schs. 1–3 repealed (Jan. 1, 1926).	49, ss. 226, 227 (2), Sch. 6.
c. 36 -	Finance Act, 1925	Ss. 6 (2) (3), 10–1 applied and re-enacted (*temp.*).	79, s. 1 (4), Sch. 2.
c. 43 -	Former Enemy Aliens (Disabilities Removal) Act, 1925.	S. 2 (3) spent (Act brought into force Sept. 8, 1925 : *see* S. R. & O. 1925, No. 934).	
c. 77 -	Ireland (Confirmation of Agreement) Act, 1925.	S. 2 (2) spent (Act took effect Dec. 17, 1925, on Royal Assent to corresponding Free State Act).	

TABLE III.

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PUBLIC GENERAL STATUTES.

(15 & 16 GEORGE 5.—A.D. 1924-5.)

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E. *that the Act relates exclusively to* England and Wales.
S. „ „ „ Scotland.
G.B. and N.I. „ „ Great Britain and Northern Ireland.

A.

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